

NORTH CAROLINA REGISTER

VOLUME 38 • ISSUE 19 • Pages 1217 – 1308

April 1, 2024

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PUBLISHED BY

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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2024 – December 2024

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
38:13	01/02/24	12/06/23	01/17/24	03/04/24	03/20/24	04/30/2024	05/01/24	09/28/24
38:14	01/16/24	12/19/23	01/31/24	03/18/24	03/20/24	04/30/2024	05/01/24	10/12/24
38:15	02/01/24	01/10/24	02/16/24	04/01/24	04/20/24	05/29/2024	06/01/24	10/28/24
38:16	02/15/24	01/25/24	03/01/24	04/15/24	04/20/24	05/29/2024	06/01/24	11/11/24
38:17	03/01/24	02/09/24	03/16/24	04/30/24	05/20/24	06/26/2024	07/01/24	11/26/24
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38:19	04/01/24	03/08/24	04/16/24	05/31/24	06/20/24	07/31/2024	08/01/24	12/27/24
38:20	04/15/24	03/22/24	04/30/24	06/14/24	06/20/24	07/31/2024	08/01/24	01/10/25
38:21	05/01/24	04/10/24	05/16/24	07/01/24	07/20/24	08/28/2024	09/01/24	01/26/25
38:22	05/15/24	04/24/24	05/30/24	07/15/24	07/20/24	08/28/2024	09/01/24	02/09/25
38:23	06/03/24	05/10/24	06/18/24	08/02/24	08/20/24	09/25/2024	10/01/24	02/28/25
38:24	06/17/24	05/24/24	07/02/24	08/16/24	08/20/24	09/25/2024	10/01/24	03/14/25
39:01	07/01/24	06/10/24	07/16/24	08/30/24	09/20/24	10/30/2024	11/01/24	03/28/25
39:02	07/15/24	06/21/24	07/30/24	09/13/24	09/20/24	10/30/2024	11/01/24	04/11/25
39:03	08/01/24	07/11/24	08/16/24	09/30/24	10/20/24	11/26/2024	12/01/24	04/28/25
39:04	08/15/24	07/25/24	08/30/24	10/14/24	10/20/24	11/26/2024	12/01/24	05/12/25
39:05	09/03/24	08/12/24	09/18/24	11/04/24	11/20/24	12/19/2024	01/01/25	05/31/25
39:06	09/16/24	08/23/24	10/01/24	11/15/24	11/20/24	12/19/2024	01/01/25	06/13/25
39:07	10/01/24	09/10/24	10/16/24	12/02/24	12/20/24	*01/29/2025	02/01/25	06/28/25
39:08	10/15/24	09/24/24	10/30/24	12/16/24	12/20/24	*01/29/2025	02/01/25	07/12/25
39:09	11/01/24	10/11/24	11/16/24	12/31/24	01/20/25	*02/26/2025	03/01/25	07/29/25
39:10	11/15/24	10/24/24	11/30/24	01/14/25	01/20/25	*02/26/2025	03/01/25	08/12/25
39:11	12/02/24	11/06/24	12/17/24	01/31/25	02/20/25	*03/26/2025	04/01/25	08/29/25
39:12	12/16/24	11/21/24	12/31/24	02/14/25	02/20/25	*03/26/2025	04/01/25	09/12/25

*Dates not approved by the RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: **Old School Trailers LLC**

Applicant's Address: **1933 Eisenhower Dr. N**

Application Date: **02-13-2024**

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant: **Robert Michael Taulbee**

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Evolution Electric Vehicles Inc

Applicant's Address: 2620 Palisades Dr., Corona CA 92882

Application Date: 11/17/2023

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Vivian Yaowu Tang CEO, CFO, Secretary

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Radiation Protection Commission intends to amend the rules cited as 10A NCAC 15 .0801-.0808.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://info.ncdhhs.gov/dhsr/ruleactions.html>

Proposed Effective Date: October 1, 2024

Public Hearing:

Date: May 15, 2024

Time: 2:00 p.m.

Location: Dorothea Dix Park, Edgerton Building, Room 026, 809 Ruggles Drive, Raleigh, NC 27603

Reason for Proposed Action: *The rules in 10A NCAC 15 regulate the use of radioactive materials and radiation machines in the State of North Carolina pursuant to G.S. 104E. Rules in Section .0800 of Chapter 15 regulate all registrants who use radiation generating devices (RGDs) in the state.*

Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of the rules in Chapter 10A NCAC 15, Radiation Protection, 10A NCAC 15 Section .0800 had eight rules, .0801 - .0808, that were determined to be "Necessary Without Substantive Public Interest" and will be amended with this rulemaking action.

As mandated by G.S. 150B-19 (4) the agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. To comply with this mandate, the federal regulations in 21 CFR 1010.2 and 21 CFR 1020.40 are proposed for incorporation by reference, including subsequent amendments and editions. The federal regulations are being incorporated by reference into Rules 10A NCAC 15 .0802(6), .0802(7), and .0806(a).

Comments may be submitted to: Taylor Corpening, 809 Ruggles Drive, Edgerton Building 2701 Mail Service Center, Raleigh, NC 27699-2701; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: May 31, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review

Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 15 - RADIATION PROTECTION

SECTION .0800 - REQUIREMENTS FOR NON-HUMAN USE OF RADIATION GENERATING DEVICES

10A NCAC 15 .0801 PURPOSE AND SCOPE

(a) This Section provides ~~special~~ additional requirements for use of ionizing radiation generating devices (RGDs) operating above five thousand electron volts (5 keV), but below one million electron volts (~~1 MeV~~) that are in addition to (1 MeV). The requirements ~~in~~ of this Section are in addition to the provisions in other sections Sections .0100, .0200, .1000, and .1600 of this Chapter.

(b) This Section does not pertain to radiation safety requirements for ~~x-ray equipment that is covered in other sections~~ industrial radiographic machines for non-human use that are covered in Section .0500 of this Chapter Chapter, (e.g., x-rays in the healing arts in Section .0600 of this Chapter, and particle accelerators in Section .0900 of this Chapter). Chapter.

(c) RGDs used for the purpose of elemental analysis, microstructural analysis, quality assurance, quality control, research and development, gauging and measurement, or other nondestructive testing and evaluation. RGDs addressed in this Section include:

- (1) analytical RGDs;
- (2) cabinet x-ray systems;
- (3) electron beam device below 1MeV;
- (4) electron microscopes;
- (5) ion implantation equipment, low energy;
- (6) gauging devices;
- (7) radiographic and radiosopic non-healing arts x-ray equipment; and

- (8) security screening devices and systems for government use only.

- (9) "Control panel" means that part of the x-ray control where the switches, knobs, pushbuttons, and other hardware are, that are necessary for manually setting the technique factors.

Authority G.S. 104E-7.

- (10) "Electron Beam Device" means any device using electrons below 1MeV to heat, join, or otherwise irradiate materials.

10A NCAC 15 .0802 DEFINITIONS

In addition to terms found in Rule .0104 of this ~~Chapter~~ Chapter, the following definitions shall apply to this Section:

- (1) "Accredited bomb squad" means a law enforcement agency utilizing certified bomb technicians.

- (11) "Enclosed beam RGD" means an RGD with all possible x-ray beam paths contained in a chamber, coupled chambers, or other beam-path-confinement ~~devices~~ devices, to prevent any part of the body from intercepting the beam during normal operations. Normal access to the primary beam path, such as a sample chamber door, shall be interlocked with the high voltage of the x-ray tube or the shutter for the beam to be considered "enclosed." An open-beam device placed in an interlocked enclosure is considered an "enclosed beam" unless there are provisions for routine bypassing of the interlocks.

- (2) "Accessible surface" means the external or outside surface of the enclosure or housing provided by the manufacturer or designer of the RGD. This includes the high-voltage generator, doors, access panels, latches, control knobs, and other permanently mounted hardware, and including the plane across the exterior edge of any opening.

- (12) "Emergency procedure" means the written pre-planned steps to be taken in the event of actual or suspected exposure of an individual exceeding administrative or regulatory limits. This procedure shall include the names and telephone numbers of individuals to be contacted as well as directives for processing individual monitoring devices.

- ~~(2)~~(3) "Analytical RGD equipment" means equipment that uses electronic means to generate ionizing radiation for the purpose of examining the microstructure of ~~materials~~, materials ~~i.e. using direct x-ray transmission~~, x-ray diffraction, ~~x-ray fluorescence~~, and x-ray spectroscopy.

- ~~(12)~~(13) "Fail-safe characteristics" means a design feature that causes the radiation beam to terminate, port shutters to close, or otherwise prevents emergence of the primary beam, upon the failure of a safety or warning device. For example, if an "X-ray On" light indicator or shutter indicator or interlock fails, the radiation beam shall terminate.

- ~~(3)~~(4) "Analytical RGD system" means a group of local and remote components utilizing x-rays to determine the elemental composition or to examine the microstructure of materials.

- (4) "~~Bomb detection RGDs~~" means RGDs used for the sole purpose of remotely detecting explosive devices.

- (14) "Gauging device" means a mechanism containing a source of ionizing radiation that is designed and manufactured for the purpose of determining or controlling thickness, density, level, interface location, or qualitative or quantitative composition of materials. It may include components such as radiation shields, useful-beam controls, and other safety features in order to meet the requirements or specifications.

- (5) "Certified bomb technician" means a member of an accredited bomb squad who has completed the FBI Hazardous Devices School. Information pertaining to this program can be found on the school website at <http://www.fbi.gov/about-us/cirg/hazardous-devices>.

- (6) "Certifiable cabinet x-ray system" means an existing uncertified RGD that has been modified to meet the certification requirements specified in 21 CFR ~~1020.40~~ 1020.40, as incorporated by reference in Rule .0117 of this Chapter.

- (15) "General-use system" means a security screening system that delivers an effective dose of 25 microrem (0.25 microSv) or less per screening.

- (7) "Certified cabinet x-ray system" means an RGD utilized in an enclosed, interlocked cabinet, such that the radiation machine will not operate unless all openings are securely closed. These systems shall be certified in accordance with 21 CFR ~~1010.2~~ 1010.2, as incorporated by reference in Rule .0117 of this Chapter, as being manufactured and assembled pursuant to the provisions of 21 CFR ~~1020.40~~ 1020.40, as incorporated by reference in Rule .0117 of this Chapter.

- ~~(13)~~(16) "Hand-held x-ray system" means any device or equipment that is portable and used for similar purposes as analytical RGD equipment.

- (8) "Collimator" means a device or mechanism by which the x-ray beam is restricted in size.

- (14) "Hybrid gauge" means an x ray gauge device utilizing both x ray and radioactive sources.

- (15) "~~Industrial radiography~~" means RGDs used to make radiographic images to examine the structure of materials by nondestructive

- methods. These RGDs shall not be contained in a cabinet and are not permanent installations.
- (17) "Inspection Zone" means the area established for the purpose of controlling access where screening is performed. Areas controlled due to the presence of radiation may include areas of ingress, egress, gates, portals, and traffic paths. The area outside of the inspection zone shall not exceed the limits of Rule .1601(a)(13) of this Chapter.
- (18) "Interlock" means a feature designed to prevent access to an area of radiation hazard by preventing entry or by automatically removing the hazard.
- (16)(19) "Ion implantation equipment, low-energy" means any enclosed device operating below 1MeV used to accelerate elemental ions and implant them in other materials.
- (17)(20) "Leakage radiation" means radiation emanating from the source assembly housing except for:
 (A) the primary beam;
 (B) scatter radiation emanating from other components (e.g., shutter or collimator); and
 (C) radiation produced when the beam on switch or timer is not activated.
- (21) "Limited-use system" means a screening system that is capable of delivering an effective dose greater than 25 microrem (0.25 microSv) per screening but shall not exceed an effective dose of 1 mrem (10 microSv) per screening.
- (18)(22) "Local components" means part of an RGD x-ray system and include areas that are struck by x-rays such as radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors, and shielding, but do not include power supplies, transformers, amplifiers, readout devices, and control panels.
- (19)(23) "Mobile RGD" means RGD equipment mounted on a permanent base with wheels or casters for moving while completely assembled.
- (20)(24) "Normal operating procedures" means step-by-step instructions necessary to accomplish a task. These procedures shall include sample insertion and manipulation, equipment alignment, routine maintenance by the registrant, and data recording procedures that are related to radiation safety.
- (21)(25) "Open-beam RGD" means a device or system designed in such a way that the primary beam is not completely enclosed during normal operation and used for analysis, gauging, or imaging in which an individual could accidentally place some part of their body in the primary beam or stray radiation path during normal operation.
- (22) "Permanent radiographic installation" means an RGD utilized in an enclosed shielded room, cell, or vault that allows entry when the RGD is not energized.
- (23)(26) "Portable RGD" means RGD equipment designed to be carried. by hand.
- (24)(27) "Primary beam" means radiation that passes through an aperture of the source assembly housing by a direct path from the radiation source.
- (25)(28) "Radiation generating device (RGD)" means any system, device, subsystem, or machine component that may generate generate, by electronic means means, x-rays or particle radiation above 5 keV, but below 1 MeV, and not used for healing arts on humans or animals. Examples of RGDs are the following may be used as a:
 (A) ~~analytical RGD equipment~~ mobile RGD;
 (B) ~~certified and certifiable cabinet x ray systems~~ portable RGD; or
 (C) ~~gauging devices using x ray sources;~~ stationary RGD.
 (D) ~~hybrid gauging devices;~~
 (E) ~~e-beam welders;~~
 (F) ~~baggage scanners;~~
 (G) ~~industrial radiography RGDs; and~~
 (H) ~~permanent radiographic installations.~~
- (26)(29) "Remote components" means parts of an RGD x-ray system that are not struck by x-rays x-rays, such as power supplies, transformers, amplifiers, readout devices, and control panels.
- (30) "Safety Device" means a device, interlock or system that prevents the entry of any portion of an individual's body into the primary x-ray beam or that will cause the beam to shut off upon entry into its path.
- (27)(31) "Scattered radiation" means radiation, other than leakage radiation, that during passage through matter, has been deviated in direction or has been modified by a decrease in energy.
- (32) "Screening" means the sum of scans necessary for a security screening system to image concealed objects as intended by the system design under normal operating conditions.
- (33) "Security screening device" means a non-human use open-beam device designed for the detection of contraband or weapons concealed in baggage, mail, packages, or other structures. These devices include bomb detection devices used for the sole purpose of detecting explosive devices.
- (34) "Security screening system" means a system specifically designed to detect contraband and weapons concealed on a person and is used for the sole purpose of public safety and security evaluation by law enforcement.

- ~~(28)~~(35) "Shutter" means an adjustable device, generally made of lead or other high atomic number material, fixed to a source assembly housing to intercept, block, or collimate the primary beam.
- ~~(29)~~(36) "Source" means the point of origin of the radiation, such as the focal spot of an x-ray tube.
- ~~(30)~~(37) "Stationary RGD" means RGD equipment that is installed or placed in a fixed location.
- ~~(31)~~(38) "Stray radiation" means the sum of leakage and scatter radiation emanating from the source assembly or other components except for the primary beam, and radiation produced when the beam on switch or timer is not activated.
- (39) "Warning device" means an audible or visible signal that warns individuals of a potential radiation hazard.
- ~~(32)~~(40) "X-ray generator" means the part of an x-ray system that provides the accelerating (high) voltage and current for the x-ray tube.
- (33) "X-ray gauge" means an x-ray producing device designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level, or interface location of manufactured products.
- (41) "X-ray source housing" means the portion of an RGD system which contains the x-ray tube and emitting target. The housing often contains radiation shielding material or inherently provides shielding.

- radiation source housing, if the primary beam is controlled in this manner.
- ~~(e)~~ Warning devices on open beam analytical RGDs shall be labeled so that their purpose is identified. On open beam analytical RGDs installed after February 1, 1980, warning devices and lights shall have fail safe characteristics.
- ~~(f)~~ Unused ports on radiation source housings for open beam RGDs shall be secured in the closed position in a manner that will prevent unintended opening.
- ~~(g)~~ Each port on the radiation source housing on open beam analytical RGDs installed after February 1, 1980 and designed to accommodate interchangeable components shall be equipped with a shutter that cannot be opened unless a collimator or a component coupling is connected to the port.
- ~~(h)~~ Portable open beam analytical RGDs that shall be manufactured to be used hand held without safety devices are exempt from the requirements of Paragraph (e) of this Rule and shall be constructed according to International Standard IEC 62495 that is incorporated by reference and includes subsequent amendments. This standard can be downloaded for one hundred twenty one dollars (\$121.00) at the following website: <http://webstore.ansi.org/FindStandards.aspx?SearchString=IEC+62495+Ed.+1.0+en%3a2011&SearchOption=0&PageNum=0&SearchTermsArray=null%7cIEC+62495+Ed.+1.0+en%3a2011%7cnull>.
- ~~(i)~~ A registrant may apply to the agency, as defined in Rule .0104 of this Chapter, for an exemption from the requirement of a safety device. This request shall include:
 - ~~(1)~~ a description of the safety devices;
 - ~~(2)~~ the reason safety devices cannot be used; and
 - ~~(3)~~ a description of the alternative methods that will be employed to minimize the possibility of an accidental exposure, including procedures to assure that operators and others in the area will be informed of the absence of safety devices.
- ~~(j)~~ Analytical RGDs shall be provided with a visible and legible label(s) bearing the radiation symbol and the words:
 - ~~(1)~~ "CAUTION — HIGH INTENSITY X RAY BEAM," or words having a similar meaning, near the exit port to identify the location of the beam; and
 - ~~(2)~~ "CAUTION — RADIATION — THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED", or words having a similar meaning, near any switch that energizes an x-ray tube, if the radiation source is an x-ray tube.
- ~~(k)~~ Warning lights labeled with the words "X RAYS ON," or other words having similar meaning, shall be located:
 - ~~(1)~~ near any switch that activates the high voltage to energize an x-ray tube; or
 - ~~(2)~~ in a conspicuous location near the radiation source housing and radiation beam(s) and visible from all instrument access areas.
- ~~(l)~~ Warning lights shall activate when the x-ray tube is energized.
- ~~(m)~~ Each x-ray tube housing shall be:
 - ~~(1)~~ constructed that when all shutters are closed the leakage radiation measured at a distance of five centimeters from its surface is not capable of

Authority G.S. 104E-7.

**10A NCAC 15 .0803 EQUIPMENT REQUIREMENTS
PERSONNEL REQUIREMENTS**

- ~~(a)~~ Certified cabinet x-ray systems shall meet the requirements of 21 CFR 1020.40 as incorporated by reference in Rule .0117(a)(3) of this Chapter.
- ~~(b)~~ All certified and certifiable cabinet x-ray systems shall:
 - ~~(1)~~ be constructed so that the radiation emitted from the system shall not exceed an exposure of 0.5 milliroentgen (mR) in one hour at any point five centimeters outside the external surface; and
 - ~~(2)~~ have a fail safe interlock that prevents irradiation when the cabinet, chamber, or coupled chambers are open.
- ~~(c)~~ Open beam analytical RGD systems shall be equipped with a safety device that prevents the entry of any portion of an individual's body into the primary x-ray beam path that causes the beam to be shut off upon entry into its path.
- ~~(d)~~ Open beam analytical RGDs shall be provided with a visible and legible indication of:
 - ~~(1)~~ x-ray tube status (ON-OFF) located near the radiation source housing, if the primary beam is controlled in this manner; or
 - ~~(2)~~ shutter status (OPEN-CLOSED) or beam status (ON-OFF) located near each port on the

~~producing an exposure in excess of 2.5 millirem (mrem) (25 microsieverts μSv) in one hour; and~~

- (2) ~~if the tube housing is the primary shielding for the x ray tube, does not produce x rays when the housing is opened or disassembled.~~

~~(n) Each x ray generator shall be supplied with a protection cabinet which limits leakage radiation measured at a distance of five centimeters from its surface such that it is not capable of producing an exposure in excess of 0.25 mrem/2.5μSv in one hour.~~

~~(o) Permanent radiographic installations and industrial radiography RGDs shall comply with the requirements of Rule .0807 of this Section.~~

(a) The registrant shall document the scope of training and instruction required for the RGD in use.

(b) No individual shall be permitted to operate or maintain RGDs unless the individual has received instruction in the basic principles of radiation protection, training provided by the manufacturer for the specific RGD in use, and instruction in the operating and emergency procedures. Instruction and training shall include:

- (1) Basic principles of radiation protection:
 - (A) radiation fundamentals;
 - (B) source and magnitude of common sources of radiation exposure;
 - (C) units of radiation dose and measurements;
 - (D) potential hazards, biological effects of ionizing radiation, and recognition of symptoms of an acute localized exposure;
 - (E) ALARA (As Low As Reasonably Achievable) principles for radiation protection concepts of time, distance, and shielding to minimize radiation exposure;
 - (F) declared pregnancy policy;
 - (G) occupational, embryo/fetus, and public dose limits; and
 - (H) proper use of individual monitoring devices and survey instruments.
- (2) Device specific training for each RGD:
 - (A) hands-on training for proper use;
 - (B) radiation hazards associated with use;
 - (C) precautions to take or measures required to minimize radiation exposure;
 - (D) procedures to prevent unauthorized use; and
 - (E) agency rules regarding use.
- (3) Operating and emergency procedure requirements of Rule .0804 in this Section.

(c) Records of instruction and training for each individual operating RGDs, documenting that the requirements of this Rule have been met, shall be maintained and available for agency review during inspection.

(d) Individuals who will be operating the RGD shall be able to demonstrate an understanding in safe operating procedures and use of the RGD.

(e) Each registrant shall provide ring or wrist individual monitoring devices to individuals:

- (1) operating open-beam RGDs; and
- (2) performing maintenance on an RDG, if the maintenance procedures require the presence of a primary x-ray beam when any local component in the RGD is disassembled or removed.

Authority G.S. 104E-7.

10A NCAC 15 .0804 AREA REQUIREMENTS OPERATING REQUIREMENTS

~~(a) The local components of RGDs shall be located and arranged to include sufficient shielding or access control to ensure no radiation levels exist in any area surrounding the local components that could result in a dose to an individual present in excess of the dose limits given in Rule .1611(a) of this Chapter.~~

~~(b) Survey Requirements~~

- (1) ~~Radiation surveys, as set forth in Rule .1613(a) and (b) of this Chapter, of all RGDs sufficient to show compliance with Paragraph (a) of this Rule, shall be performed:~~
 - ~~(A) within 30 days after initial operation of the device;~~
 - ~~(B) prior to use following any change in the initial arrangement, including the number or type of local components in the system; and~~
 - ~~(C) prior to use following any maintenance requiring the disassembly or removal of a local component in the system that could affect the radiation exposure to personnel.~~
- (2) ~~A registrant may apply to the agency for approval of procedures differing from those in Subparagraph (b)(1) of this Rule, provided that the registrant demonstrates satisfactory compliance with Paragraph (a) of this Rule.~~
- (3) ~~Surveys shall be performed with a radiation survey instrument capable of the following:~~
 - ~~(A) measuring the radiation energies of the system surveyed;~~
 - ~~(B) confirming that the radiation limits of this Section are met; and~~
 - ~~(C) calibrated according to the manufacture's recommended frequency or at least annually when a frequency is not recommended.~~

~~(e) Each area of use or room containing RGDs shall be conspicuously posted with caution signs in accordance with the requirements of Rule .1623 of this Chapter, bearing the radiation caution symbol and the words "CAUTION X RAY EQUIPMENT," or words having a similar meaning.~~

(a) RGDs shall only be operated by individuals who have completed the requirements in Rule .0803 of this Section.

(b) No individual shall be permitted to operate an RGD in any manner other than that specified in the operating procedures, unless the individual has obtained written approval from the radiation safety officer as defined in Rule .0104 of this Chapter.

(c) Normal operating and emergency procedures from the manufacturer or supplier of the RGD shall be available to all operators and support staff during the use of an RGD.

(d) Normal operating and emergency procedures shall include the following:

- (1) safe use of the RGD;
- (2) protocols in the event of device malfunction, emergency, or incident involving radiation exposure; and
- (3) instructions on reporting to the radiation safety officer and agency of actual or suspected accidental exposure or other radiation safety concerns, such as any unusual occurrence or malfunction that may involve exposure to radiation.

(e) Open beam and portable handheld RGDs

(1) Registrants shall have operating procedures developed to ensure radiation protective measures are:

- (A) provided to meet the requirements of Rule .1601(a)(15) of this Chapter;
- (B) taken to avoid exposure to any individual from the transmitted primary x-ray beam in cases where the primary x-ray beam is not intercepted by a detector device during operation; and
- (C) available to all individuals operating the RGD.

(2) Operators shall not do the following while operating an RGD:

- (A) point the primary beam at any individual including him or herself;
- (B) allow their hand to approach the primary beam; or
- (C) hold a sample. If a sample is small and it is necessary to hold the sample while operating the RGD, the sample shall be placed in a shielded sample enclosure.

(f) Operating and emergency procedures shall be available for agency review during inspection.

(g) Alignment procedures shall be performed as recommended by the RGD manufacturer.

(h) Special alignment procedures shall only be used when approved by the radiation safety officer and manufacturer of the RGD.

(i) Safety Devices

(1) Testing

(A) Safety devices including interlocks, shutters, and warning lights shall be tested once annually for proper operation on all RGDs in use. If any

safety device fails, the RGD shall be taken out of service until corrective action is performed or temporary administrative controls are established and approved in writing by the radiation safety officer.

(B) Testing records shall include the date test was performed, the list of safety devices tested, survey instrument used, the calibration date, the results of the test, the name of the individual that performed the test, and any corrective actions for failed test.

(C) Records of the testing shall be retained by the registrant for agency review during inspection.

(2) Bypassing

(A) No individual shall bypass a safety device unless the person has obtained the approval from the radiation safety officer. Procedures for bypassing a safety device shall be incorporated into the radiation protection program by the radiation safety officer, as set forth in Rule .1601 of this Chapter, and the operating procedures as set forth in Paragraph (c) of this Rule.

(B) The written approval, as granted by the radiation safety officer, shall include the start and end date of approval.

(C) When a safety device has been bypassed, a legible sign bearing the words "SAFETY DEVICE NOT WORKING", or words having a similar meaning, shall be placed on the x-ray source housing and the control panel during the bypassing period.

(j) Prior to an individual modifying the following, the individual shall determine the tube is off and will remain off until safe conditions have been restored:

- (1) x-ray tube system, resulting in the removal of tube housings, covers, or shielding materials;
- (2) shutters;
- (3) collimators; or
- (4) beam stops.

Authority G.S. 104E-7(a)(2).

10A NCAC 15 .0805 OPERATING REQUIREMENTS AREA REQUIREMENTS

(a) RGDs shall be operated by individuals that have completed the training requirements of Rule .0806 of this Section.

(b) Normal operating procedures shall be written and available to all RGD operators and support staff.

(c) No individual shall be permitted to operate RGDs in any manner other than that specified in the operating procedures unless the person has obtained written approval of the individual

responsible for radiation or the Radiation Safety Officer (RSO) as defined in Rule .0104 of this Chapter.

(d) No individual shall bypass a safety device unless the person has obtained the approval of the person responsible for radiation safety or the RSO. This process shall be incorporated into the radiation protection program by the RSO, as set forth in Rule .1603(a), and the operating procedures as set forth in Rule .0603(a)(1)(B). The written approval, as granted by the RSO, shall include an expiration date. When a safety device has been bypassed, a legible sign bearing the words "SAFETY DEVICE NOT WORKING" or words having a similar meaning shall be placed on the radiation source housing and the control panel during the bypassing period.

(e) Prior to an individual modifying the:

- (1) x ray tube system, resulting in the removal of tube housings, covers, or shielding materials;
- (2) shutters;
- (3) collimators; or
- (4) beam stops

the individual shall determine the tube is off and will remain off until safe conditions have been restored.

(f) Safety devices including interlocks, shutters, and warning lights shall be tested once annually for proper operation on all RGDs in operation. Records of the testing shall be retained by the registrant for three years.

(g) No individual shall hold a sample or object while it is being irradiated.

(a) Each radiation area, as defined in Rule .1601(a)(3) of this Chapter, containing RGDs shall be:

- (1) conspicuously posted with caution signs, in accordance with the requirements of Rule .1601(a)(34) of this Chapter, bearing the words "CAUTION – RADIATION AREA", or words having a similar meaning; and
- (2) supervised continuously during operation or shall utilize one or more of the following:
 - (A) door interlocks;
 - (B) entry monitors; or
 - (C) engineering controls.

(b) Access to each restricted area where an individual may receive a dose equivalent exceeding 100 mrem in any year, but does not exceed levels of a radiation area, shall be designated as a controlled area. The area shall be controlled by:

- (1) visibly separating adjacent uncontrolled areas so doses do not exceed the limits of Rule .1601(a)(15) of this Chapter; and
- (2) posting a sign bearing the words "Warning: X-rays in Use", or words having a similar meaning.

(c) The local components of RGDs shall be located and arranged to include sufficient shielding or access control to ensure no radiation levels exist in any area surrounding the local components that result in a dose to an individual present in excess of the dose limits in Rule .1601(a)(15) of this Chapter.

(d) Surveys shall be performed for each RGD, as set forth in Rule .1601(a)(50) of this Chapter, to show compliance with Paragraph (c) of this Rule.

- (1) Radiation survey instruments shall be:

- (A) capable of measuring the radiation energies of the RGD surveyed; and
- (B) calibrated annually when a frequency is not recommended by the manufacturer.

(2) Equipment surveys shall confirm radiation levels do not exceed the requirements of Rule .0806(c)(7); (d)(3); and (h)(2) of this Section. Surveys shall be performed:

- (A) prior to initial use and include testing of warning and safety devices;
- (B) prior to use following any change in the initial arrangement, including the number or type of local components in the system or x-ray tube source housing;
- (C) prior to use following any maintenance requiring the disassembly or removal of a local component in the system or x-ray tube source housing that could affect the radiation exposure to personnel; and
- (D) during the performance of calibration, maintenance, or any alignment procedure if the presence of a primary x-ray beam is required while any local component in the system is disassembled or removed.

(3) A registrant may apply to the agency for approval of procedures differing from those in Subparagraph (d) of this Rule, provided that the registrant demonstrates satisfactory compliance with Paragraph (c) of this Rule.

(e) RGDs in Rule .0806(i) and .0807(2) of this Section, installed after the effective date of this Rule, shall ensure the following provisions are met:

- (1) A floor plan with equipment arrangement shall be submitted to the agency for review and acknowledgement prior to installation of the system. The floor plan shall include:
 - (A) the proposed location of the system;
 - (B) direction of the useful beam;
 - (C) adjacent areas; and
 - (D) location of the operator.
- (2) An area radiation survey shall be performed prior to initial use to show compliance with dose limits of the rules in Section .1600 of this Chapter. The survey shall include:
 - (A) a drawing of the room indicating the location of the x-ray tube and orientation of the useful beam;
 - (B) radiation levels at the operator location and adjacent areas;
 - (C) survey instrument used; and
 - (D) name of the service provider that is registered in accordance with Rule .0205 of this Chapter and date the survey was performed.

- (3) Modifications to the room, RGD, or adjacent areas that may increase the radiation dose to any individual shall require a new survey.
- (4) Records of the floor plan with equipment arrangement and survey shall be available for agency review during inspection.

- (4) Each shutter shall be equipped with a "shutter open" warning light or device of a fail-safe design.
- (5) A readily visible and legible label bearing the radiation symbol and the words "CAUTION – RADIATION: THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED", or words having a similar meaning, shall be located near any switch that energizes an x-ray tube.
- (6) Systems containing an x-ray tube shall be equipped with a fail-safe interlock that will shut off high voltage to the tube if the x-ray tube source housing is disassembled or if the tube is removed.
- (7) High voltage generator enclosures or any accessible area 5 centimeters from the RGD shall not exceed a dose rate of .25 mrem/hr (.0025 mSv/hr).

Authority G.S. 104E-7; 104E-12.

**10A NCAC 15 .0806 PERSONNEL REQUIREMENTS
EQUIPMENT REQUIREMENTS**

~~(a) Personnel operating or maintaining RGDs shall comply with the following:~~

- ~~(1) No person shall be permitted to operate or maintain RGDs unless the person has received instruction in the operating and emergency procedures for the RGD and instruction that is in accordance with Rule .1003 of this Chapter.~~
- ~~(2) Each registrant operating or maintaining RGDs shall maintain, for inspection by the agency, records of training that demonstrate the requirements of this Rule have been satisfied.~~

~~(b) The registrant shall provide ring or wrist personnel monitoring equipment to:~~

- ~~(1) individuals using open beam RGDs not equipped with a safety device; and~~
- ~~(2) individuals maintaining RGDs if the maintenance procedures require the presence of a primary x ray beam when any local component in the RGD is disassembled or removed.~~

~~(a) Certified and certifiable cabinet x-ray systems shall comply with the following provisions of 21 CFR 1020.40, which are hereby incorporated by reference including subsequent amendments and editions.~~

- ~~(1) 21 CFR 1020.40(a) Applicability;~~
- ~~(2) 21 CFR 1020.40(b) Definitions;~~
- ~~(3) 21 CFR 1020.40(c) Requirements; and~~
- ~~(4) 21 CFR 1020.40(d) Modifications of a certified system.~~

~~(b) The regulations cited in Paragraph (a) of this Rule are available free of charge at <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSe arch.cfm?FR=1020.40>.~~

~~(c) All RGD's shall meet the following requirements:~~

- ~~(1) Warning devices shall be labeled so the purpose is easily identified.~~
- ~~(2) Warning lights of a fail-safe design labeled with the words "X-RAY ON", or words having a similar meaning, shall be located:~~
 - ~~(A) within sight of any switch that energizes an x-ray tube;~~
 - ~~(B) in a conspicuous location near the x-ray tube source housing and x-ray beam, and~~
 - ~~(C) visible from all instrument access areas.~~
- ~~(3) Warning lights shall activate when the x-ray tube is energized.~~

~~(d) All open beam RGDs shall meet the following additional requirements:~~

- ~~(1) Each beam port of the x-ray tube source housing shall be equipped with a beam shutter interlocked with the x-ray accessory coupling, or collimator, so that the port will not open unless a collimator or a component coupling is in place.~~
- ~~(2) Shutters at unused ports shall be secured in the closed position to prevent unintended opening.~~
- ~~(3) The x-ray tube source housing shall be constructed so that when all shutters are closed, the leakage radiation measured at a distance of five centimeters from the housing surface does not exceed 2.5 mrem (25 microSv) in one hour.~~
- ~~(4) A safety device or interlock shall prevent the entry of any portion of an individual's body into the primary x-ray beam or which causes the primary beam to shut off upon entry into its path.~~
- ~~(5) A registrant may apply to the agency, as defined in Rule .0106 of this Chapter, for an exemption from the requirement of a safety device in Subparagraph (d)(3) of this Rule. The request shall include:~~
 - ~~(A) justification for the use of an open beam system instead of an enclosed beam system;~~
 - ~~(B) a description of other safety devices that have been evaluated and reason why a safety devices cannot be used; and~~
 - ~~(C) a description of the alternative methods that will be employed to minimize the possibility of an accidental exposure, including procedures to assure that operators and others in the area will be informed of the absence of safety devices.~~

(e) All enclosed beam RGDs shall meet the following additional requirements:

- (1) The radiation source, sample or object, detector, and analyzing crystal (if used) shall be enclosed to prevent entry of any portion of the body during normal operation.
- (2) All doors and panels shall be equipped with an interlock. The interlock shall be of a fail-safe design.

(f) Bimodal beam RGDs with the ability to override interlocks between enclosed and open beam shall be designed to be engaged with a device or tool and meet the following requirements:

- (1) The tool or key shall only be used by designated individuals as outlined in operating procedures.
- (2) When the tool or key is in use, it shall be captive in the equipment and removal of the tool or key returns the RGD to enclosed beam mode.
- (3) System use requirements must follow the current use mode.

(g) Portable x-ray fluorescence analyzers manufactured to be used in a hand-held configuration without safety devices are exempt from the requirements of Subparagraph (d)(4) of this Rule and shall meet the following additional requirements:

- (1) Warning labels and indicators shall be provided on the analyzer and on the display screen(s).
- (2) A label near each beam port shall bear a radiation symbol and the words "WARNING HIGH INTENSITY X-RAYS – DO NOT EXPOSE ANY PART OF BODY TO BEAM" or words having a similar meaning.
- (3) The power switch shall have the power logo: I/O.

(h) All gauging devices shall meet the following additional requirements:

- (1) The RGD shall be designed to restrict access to the x-ray beam by personnel who are not trained in accordance with Rule .0803 of this Section.
- (2) A useful beam control system shall be provided whenever the useful beam is accessible, and the radiation levels exceed one hundred mrem per hour (100 mrem/hr)(1 mSv/hr) at five centimeters from any accessible surface or five mrem per hour (5 mrem/h)(.05 mSv/h) at thirty centimeters (30 cm). The useful beam controls may include a moving shutter, a moving source, or a high voltage power supply.
- (3) On-Off indicators shall be marked with symbols or wording clarifying the status of the device.
- (4) Each indicating system for automatic beam controls shall consist of at least one "ON" indicating signal, and one "OFF" indicating signal. If lights are used, green indicates the "OFF" and red indicates any other condition of the useful beam control.
- (5) Indicators for RGDs high voltage control shall be a yellow or amber warning light with the words "HIGH VOLTAGE ON" and shall be located on the control panel and near the x-ray

tube source housing. The warning light shall illuminate only when power is applied to the RGD.

- (6) Interlocks shall be used to prevent accidental exposure to high voltage and ionizing radiation.
- (7) The RGD shall be conspicuously marked with a label permanently affixed to the device with the following information:

- (A) ANSI device classification;
- (B) name of manufacturer;
- (C) model; and
- (D) serial number.

- (8) Radiation safety labels shall provide instructions and precautions for safe operation. If space is limited on the RGD, operating or service manuals may be referenced for the information.

(i) Radiographic and radiosopic non-healing arts x-ray equipment operating below energies of 1 MeV designed for non-medical x-ray shall comply with the following additional requirements:

- (1) Written instructions shall be supplied by the manufacturer or supplier at the time of sale or transfer to the first user. When the manufacturer or supplier does not provide services to the RGD, installation instructions shall describe:

- (A) radiation safety pertaining to each unit or accessory;
- (B) instruction for assembly operations when assembly not performed by manufacturer;
- (C) interconnections instructions of interlocks, warning lights and audible alarms systems;
- (D) test instructions to determine if the RGD and accessory components are properly operating; and
- (E) if the x-ray tube assembly is shielded or non-shielded.

- (2) Operating instructions shall be supplied by the manufacturer or supplier, at the time of sale or transfer to the first user, in accordance with operating requirements of Rule .0804 of this Section.

(3) The controls shall be:

- (A) clearly marked with for the "on-off" position of the component disconnecting the power; and
- (B) equipped with a means to prevent production of x-rays when in the "off" position, such as a key or password. When a key is used, the RGD shall be manufactured so it may only be removed when the key is in the "off" position.

(4) The "X-ray On" indicator control shall be:

- (A) yellow or amber in color;
- (B) be of a fail-safe design; and

(C) have two indicators viewable from the control panel indicating when x-rays are being produced in a period of greater than 0.5 seconds.

(5) The "X-ray Off" indicators shall be:

(A) red in color; and

(B) permanently marked.

(6) Shutters devices that control emission of the primary beam shall activate two visual indicators of contrasting colors from the operator's station. One shall activate when shutters are fully closed and the other shall activate when the shutters are not fully closed.

(7) Selection indicators shall indicate which tube assembly or focal spot has been selected if more than one x-ray tube assembly(s) or focal spot can be operated from the control panel.

(8) Warning Device: A red warning lamp or audible device shall be provided on or near the tube assembly in an open beam, non-permanent installations.

(j) All RGDs shall be secured to prevent access and operation of the device by any individual not meeting the requirements of Rule .0803 of this Section.

Authority G.S. 104E-7; 104E-11; 104E-12.

10A NCAC 15 .0807 PERMANENT RADIOGRAPHIC INSTALLATIONS AND INDUSTRIAL RADIOGRAPHY RGDs SECURITY SCREENING EQUIPMENT REQUIREMENTS FOR GOVERNMENT USE ONLY

~~(a) Permanent radiographic installations and industrial radiography RGDs are exempt from the requirements of the rules of this Section except Rule .0802 and Rule .0804(a), (b)(1)(A), (b)(1)(C), (b)(2), and (b)(3).~~

~~(b) Permanent radiographic installations and industrial radiography RGDs shall comply with the following rules of this Chapter:~~

- ~~(1) .0501;~~
- ~~(2) .0502;~~
- ~~(3) .0506;~~
- ~~(4) .0509-.0520;~~
- ~~(5) .0522;~~
- ~~(6) .0523(a)(1);~~
- ~~(7) .0523(a)(3);~~
- ~~(8) .0523(a)(6) .0523(a)(15);~~
- ~~(9) .0523(b)(1) .0523(b)(4);~~
- ~~(10) .0523(b)(6) .0523(b)(7);~~
- ~~(11) .0523(b)(9) .0523(b)(12);~~
- ~~(12) .0523(e); and~~
- ~~(13) .0525.~~

(a) All security screening devices shall meet the following additional requirements:

- (1) Security screening RGDs shall only be utilized by accredited bomb squads, certified bomb technicians, law enforcement agencies, or forensic investigators.
- (2) The operator must be present and maintain access control during operation of the RGD. If

the RGD is not operated in a restricted area and the RGD is capable of producing a radiation area, the operator shall:

(A) establish a visible barrier;

(B) perform a visual check of the controlled area to ensure all unauthorized individuals are removed prior to activating or initiating the RGD; and

(C) if the operator is unable to maintain visual control of the area during operation of the RGD, an additional means to control the area shall be provided.

(3) Utilization logs shall be maintained each time the RGD is used and accurately include the following:

(A) date and time of use;

(B) location of use; and

(C) operator of the RGD.

(4) Records of utilization logs shall be available for agency review during inspection.

(b) All security screening systems shall meet the following additional requirements:

(1) Security screening systems shall only be utilized in a correctional institution, detention center, jail, or prison for public safety and security screening purposes.

(2) No individual shall be exposed to the useful beam unless authorized by a law enforcement agency representative.

(3) No individual shall be exposed to the useful beam for demonstration or training purposes.

(4) Screening of staff for training purposes is prohibited.

(5) Policies and procedures shall be established for screening of minors and pregnant individuals.

(6) An inspection zone shall be:

(A) established around the system where bystanders are prohibited during operation;

(B) visibly marked; and

(C) the ambient dose equivalent outside the inspection zone shall not exceed 2 mrem (20 microSv) in any 1 hour.

(7) The system shall be stationary, and the exposure switch shall be located in a manner requiring the operator to remain behind a protected barrier during the entire exposure while able to view the following:

(A) the individual being scanned;

(B) the inspection zone; and

(C) any access areas.

(8) Equipment surveys shall be conducted to verify compliance with reference effective dose limits, the inspection zone, and manufacturer specified parameters. Surveys shall be performed:

(A) upon installation;

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- (B) every 12 months; and
- (C) after maintenance that may affect the system's shielding or x-ray beam.
- (9) Reference effective dose limits shall be met as follows:
 - (A) General-use systems reference effective dose shall not exceed 25 microrem (.25 microSv) per screening.
 - (B) Limited-use systems reference effective dose shall not exceed 1 mrem (10 microSv) per screening.
 - (C) The reference effective dose received by an individual shall not exceed 25 mrem (250 microSv) in a 12-month period for both general use and limited-use systems.
- (10) Compliance to reference effective dose limits shall be demonstrated by the registrant maintaining records of each individual screened. Records shall show one of the following:
 - (A) the number of screenings each individual received, for General-use systems, does not exceed 1,000 in a 12-month period; or
 - (B) the reference effective dose multiplied by the number of screenings, for both General-use and Limited-use systems, does not exceed 25 mrem (250 microSv) in a 12-month period.
- (11) Records of each individual scanned at the same facility shall be maintained for agency review during inspection.
- (12) Each individual being screened shall be informed the system emits radiation and be provided with the following prior to scanning:
 - (A) the estimated effective dose from one (1) screening;
 - (B) an example to compare the dose to a commonly known source of radiation; and
 - (C) confirmation the screening complies with the reference effective dose limits in Subparagraph (b)(9) of this Rule.
- (4) ~~.0511-.0520 except for the requirements for a direct reading pocket dosimeter and operating alarm ratemeter in .0512(a);~~
- (5) ~~.0522;~~
- (6) ~~.0523(a)(1);~~
- (7) ~~.0523(a)(3);~~
- (8) ~~.0523(a)(6) .0523(a)(15);~~
- (9) ~~.0523(b)(1) .0523(b)(4);~~
- (10) ~~.0523(b)(6) .0523(b)(7);~~
- (11) ~~.0523(b)(9) .0523(b)(12);~~
- (12) ~~.0523(e); and~~
- (13) ~~.0525.~~
- (a) RGD's not listed in Rule .0801 of this Section or that are not able to meet the equipment requirements of either Rule .0806 or .0807 of this Section, shall not be sold, installed, or used prior to: the agency completing review of information regarding the RGD and determining if use of the RGD is allowed. The user or manufacturer of the RGD shall submit the following information to the agency for review:
 - (1) equipment form for application;
 - (2) manufacturer manual;
 - (3) description of use;
 - (4) operator training;
 - (5) a survey in accordance with Rule .0805(d) of this Section;
 - (6) an area survey in accordance with Rule .0805(e)(2) of this Section;
 - (7) the hazard level associated with use of the RGD; and
 - (8) means to achieve radiation protection equivalent to the Rules of this Section.
- (b) After receiving the information in Paragraph (a) of this Rule, the agency will respond to the applicant in writing within 30 days. Upon review, the agency may require additional information if use of the RGD is allowed.

Authority G.S. 104E-7.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to adopt the rule cited as 14B NCAC 16 .1709 and to amend the rules cited as 14B NCAC 16 .0115, .0201, .0203, .0301, .0302, .0401, .0402, .0501, .0701, .0702, .0706, .0801, .0802, .0806, .0902, .0904, .0910, .1101-.1105, .1301, .1302, .1306, .1401, .1402, .1406, .1501.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/about-dps/boards-commissions/private-protective-services-board>

Proposed Effective Date: August 1, 2024

Public Hearing:

Date: April 16, 2024

Time: 2:00 p.m.

Location: 3101 Industrial Dr., Suite 104, Raleigh, NC 27609

Authority G.S. 104E-7.

10A NCAC 15 .0808 APPLICABLE RULES FOR BOMB DETECTION RGDS OTHER EQUIPMENT REQUIREMENTS

Bomb detection RGDS utilized by accredited bomb squads and certified bomb technicians shall comply with the following rules of this Chapter:

- (1) .0501;
- (2) .0502;
- (3) .0509;

Reason for Proposed Action:

14B NCAC 16 .0115 - The Board is further defining the standard for the investigation of anonymous complaints.

14B NCAC 16 .0201 - The Board's on-line application vendor is increasing its transaction fee effective September 1, 2024. To avoid having to amend 17 rules again in the future for further increases, and since this fee is set by the vendor and not retained by the Board, the rule is being amended accordingly. Additionally, it is unnecessary to have the Private Investigator temporary permit application be notarized so this requirement is being eliminated.

14B NCAC 16 .0203 - The Board's on-line application vendor is increasing its transaction fee effective September 1, 2024. To avoid having to amend 17 rules again in the future for further increases, and since this fee is set by the vendor and not retained by the Board, the rule is being amended accordingly. Additionally, a licensee can currently allow the license to expire, wait until after the 90-day grace period for late renewal ends, then apply to reinstate the license thereby avoiding the 12 hours of CE requirement. This amendment closes that "loophole."

14B NCAC 16 .0301, .0302, .0401, .0402, .0501, .1101 - .1105 - The Section .1100 rules in this Chapter for the licensing of Private Investigators were used as a template for the 2023 rule adoptions for two new license categories, Close Personal Protection (new Sections .1500 & .1600) and Digital Forensics Examiner (new Section .1700). A Staff Attorney for the Rules Review Commission objected to non-substantive wording in numerous instances necessitating changes. These amendments are to bring the rules in this Chapter back into harmony with each other.

14B NCAC 16 .0701, .0702, .0706, .0801, .0802, .0806, .0902, .0904, .0910, .1301, .1302, .1306, .1401, .1402, .1406 - The Board's on-line application vendor is increasing its transaction fee effective September 1, 2024. To avoid having to amend 17 rules again in the future for further increases, and since this fee is set by the vendor and not retained by the Board, the rule is being amended accordingly.

14B NCAC 16 .1501 - Experience Requirements for Close Personal Protection - 14B NCAC 16 .1502, Training Requirements for a Close Personal Protection, was proposed for amendment in June, 2023, and required first aid training. An industry member pointed out during the Public Comment Period that there was no similar requirement in 14B NCAC 16 .1501. The rule was, therefore, amended based on public comment. A Staff Attorney for the Rules Review Commission opined that the change was "substantial" and objected. The requirement is now being proposed again to make the two rules consistent.

14B NCAC 16 .1709 - The private investigator industry expressed to the Board an interest in being able to employ interns and participate in apprenticeship programs and its administrative rules were amended effective January 1, 2024. (Since apprenticeships had not previously existed the Board did not comply with G.S. 93B-8.6 when enacted.) New .1709 allows for probationary employees, interns and apprentices for digital forensic examiners.

Comments may be submitted to: Paul Sherwin, 3101 Industrial Dr., Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: May 31, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

14B NCAC 16 .0115 COMPLAINTS

(a) Any person may file a complaint against any licensee, trainee, registrant or certificate holder, or any unlicensed or unregistered person; acting as or holding himself or herself out as a licensee or registrant, for any violation of G.S. 74C or 14B NCAC 16, or any violation of State or federal criminal law. A complaint form is available on the Board's website at www.ncdps.gov/dps-services/complaint/private-protective-services-board or a copy may be requested from the Board's office.

(b) The complaint shall set forth all relevant facts and the basis for the complainant's belief that the licensee, trainee, registrant, certificate holder, or unlicensed or unregistered person, is in violation. The complainant shall be willing to be interviewed by the Board's investigator, provide any information or documentation to support the allegation, and appear and testify necessary before the Grievance Committee or at any hearing if requested by the attorney prosecuting the case. An anonymous complaint shall not be accepted unless the Director determines that it is meritorious on its face, the alleged violation may pose a threat to the public health, safety or welfare.

(c) The complaint shall be filed with the Board online via e-mail, by U.S. Mail, or by hand-delivery to the Board's office.

(d) The complaint shall be evaluated by the Director or the Director's designee and if it alleges a violation of G.S. 74C or 14B NCAC 16, shall be assigned to an investigator for further

substantiation. The results of the investigation shall be reported to the Board's Grievance Committee for review and action.

(e) The Director shall notify the complainant and the licensee, trainee, registrant, or certificate holder of the initial complaint and its final disposition.

Authority G.S. 74C-5; 74C-6; 74C-7; 74C-12.

SECTION .0200 - LICENSES: TRAINEE PERMITS

14B NCAC 16 .0201 APPLICATION FOR LICENSE AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit shall submit an online application on the website provided by the Board. The online application shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable application fee, along with ~~a four dollar (\$4.00) the~~ convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (6) an Equifax credit check run within 30 days of the license application submission date, which will be submitted to the Board's investigator during the application process; and
- (7) five letters attesting to the good character and reputation of the applicant using the online character letter submission process.

(b) Applications for trainee permits shall be accompanied by a ~~notarized statement on a~~ form provided by the Board and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that supervisor and the form shall be uploaded as part of the online application process.

(c) Private investigator and digital forensics examination trainees applying for a license shall make available for inspection a log of

experience on a form provided by the Board as required by Rule .0403 of this Chapter.

(d) Each applicant must upload evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the Director, or another Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules in this Chapter with the Board's representative. During a national or State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the applicant in favor of alternative means of communication.

Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12.

14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS

(a) Each applicant for renewal of a license or trainee permit shall submit an online renewal application on the website provided by the Board. This online application shall be submitted not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be accompanied by:

- (1) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months;
- (3) the applicant's renewal fee, along with ~~a four dollar (\$4.00) the~~ convenience fee charged by the Board's on-line application vendor and credit card transaction fee; ~~and~~
- (4) for license applicants, proof of liability insurance as set out in G.S. ~~74C-10(e).~~ 74C-10(e); and
- (5) proof of having completed continuing education as require by Rule .1202 of this Chapter.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within ~~three~~ two years of the expiration date and the following documentation is submitted to the Board:

- (1) an online Application For Reinstatement of an Expired License;

- (2) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (3) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (4) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (5) the applicant's non-refundable application fee, along with ~~a four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (6) proof of liability insurance as set out in G.S. 74C-10(e); ~~and~~
- (7) payment to the State Bureau of Investigations to cover the cost of criminal record checks performed by the State Bureau of Investigations, with payment to be paid online through the Board's online application ~~process~~ process; and
- (8) proof of having completed continuing education as required by Rule .1202 of this Chapter.

(d) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9.

**SECTION .0300 - SECURITY GUARD AND PATROL:
GUARD DOG SERVICE**

**14B NCAC 16 .0301 EXPERIENCE
REQUIREMENTS/SECURITY GUARD AND PATROL
LICENSE**

- (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a security guard and patrol license shall:
- (1) establish ~~to the Board's satisfaction~~ three years of verifiable experience as a manager, supervisor, or administrator with a contract security company or a proprietary security organization performing guard and patrol functions;
 - (2) establish ~~to the Board's satisfaction~~ three years of experience as a manager, supervisor, or administrator in security with any federal, state,

- (3) county, or municipal law enforcement agency performing guard and patrol functions; or establish ~~to the Board's satisfaction~~ a military occupational specialty and two years of experience within the past five years in the U.S. Armed Forces as a manager, supervisor, or administrator performing guard and patrol functions.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a security guard and patrol license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years verifiable experience within the past five years as a manager, supervisor, or administrator performing guard and patrol ~~functions.~~ functions as set forth in G.S. 74C-3(a)(8) while serving in an official capacity with any entity described in Paragraph (a) of this Rule.

(c) ~~The~~ Using the formula in Rule .0204(d) of this Chapter, the Board shall give credit toward the experience requirements set forth in Subparagraphs (a)(1) and (2) and Subparagraph (b)(2) of this Rule as follows:

- (1) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the associate's degree.
- (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the bachelor's degree.
- (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the graduate degree.

(d) Persons licensed under Chapter 74D of the General Statutes of North Carolina may be issued a limited guard and patrol license exclusively for providing armed alarm responders.

Authority G.S. 74C-5; 74C-8; 93B-15.1.

14B NCAC 16 .0302 EXPERIENCE REQUIREMENTS FOR GUARD DOG SERVICE LICENSE

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a guard dog service license shall:

- (1) establish ~~to the Board's satisfaction~~ two years of verifiable experience as a manager, supervisor, administrator, or dog handler with a contract security company or proprietary security organization performing guard dog functions;
- (2) establish ~~to the Board's satisfaction~~ two years of experience as a manager, supervisor, administrator, or dog handler with any federal, state, county, or municipal agency performing guard dog functions; or
- (3) establish ~~to the Board's satisfaction~~ a military occupational specialty and two years of experience within the past five years in the U.S. Armed Forces as a manager, supervisor, or administrator or dog handler performing guard dog functions.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a guard dog service license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years of verifiable experience within the past five years as a manager, supervisor, or administrator or dog handler performing guard dog functions.

Authority G.S. 74C-5; 74C-8; 93B-15.1.

SECTION .0400 - PRIVATE INVESTIGATOR: ELECTRONIC COUNTERMEASURES

14B NCAC 16 .0401 EXPERIENCE REQUIREMENTS FOR A PRIVATE INVESTIGATOR LICENSE

(a) In addition to the requirements of G.S. 74C-8 and Section .0200 of this Chapter, applicants for a private investigator license shall:

- (1) establish ~~to the Board's satisfaction~~ three years of verifiable experience while conducting investigations as set forth in G.S. 74C-3(a)(8) with a contract security company or with a private person, firm, association, or corporation;
- (2) establish ~~to the Board's satisfaction~~ three years of verifiable experience while conducting investigations as set forth in G.S. 74C-3(a)(8) while serving in an investigative capacity as defined in Rule .0103(10) of this Chapter with any federal, state, county, municipal law enforcement agency, or other governmental agency; or

- (3) establish ~~to the Board's satisfaction~~ a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces while conducting investigations as set forth in G.S. 74C-3(a)(8) while serving in an investigative capacity as defined in Rule .0103(10) of this Chapter.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a private investigator license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years verifiable experience within the past five years while conducting investigations as set forth in in G.S. 74C-3(a)(8) while serving in an investigative capacity as defined in Rule .0103(10) of this Chapter.

(c) ~~The~~ Using the formula in Rule .0204(d) of this Chapter the Board shall give credit toward the experience requirements set forth in Paragraphs (a) and (b) of this Rule as follows:

- (1) An applicant shall receive of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the associate's degree.
- (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the bachelor's degree.
- (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the graduate degree.

Authority G.S. 74C-5(2); 93B-15.1.

14B NCAC 16 .0402 EXPERIENCE REQUIREMENTS FOR AN ELECTRONIC COUNTERMEASURES LICENSE

In addition to the requirements of Section .0200 of this Chapter, applicants for an electronic countermeasures license shall:

- (1) establish ~~to the Board's satisfaction~~ three years of experience in electronic countermeasures; or
- (2) have successfully completed a course in electronic countermeasures given by a school specializing in electronic countermeasures that

consists of a minimum of 40 hours of actual classroom instruction.

Authority G.S. 74C-5.

SECTION .0500 - POLYGRAPH

14B NCAC 16 .0501 EXPERIENCE REQUIREMENTS FOR A POLYGRAPH LICENSE

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a polygraph license shall:

- (1) pass an examination and a performance test administered by a panel of polygraph examiners appointed by an entity designated by the Board;
(2) successfully complete a course of instruction at any polygraph school approved by the American Polygraph Association, the American Association of Police Polygraphists, or the Board; and
(3) have either:
(A) one year of verifiable polygraph experience; or
(B) complete at least six months of training as a holder of a polygraph trainee permit, and have administered no fewer than 50 polygraph examinations; or
(4) establish to the Board's satisfaction a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces performing polygraph examinations.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a polygraph license who is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
(2) the spouse has two years of verifiable experience within the past five years performing polygraph examinations.

(c) Applicants for a polygraph license may take the examination required in Subparagraph (a)(1) of this Rule no more than twice within a 12 month period. All portions of the examination must be completed within that 12 month period. Any applicant who fails the polygraph examination four times shall retake the polygraph course of instruction required in Subparagraph (a)(2) of this Rule before taking the polygraph examination again.

(d) Polygraph operators who are duly licensed in another state may perform up to three examinations in this State without being licensed, provided that those examinations are for the purpose of an evaluation of that examiner and the Director has given authorization for this evaluation in advance.

Authority G.S. 74C-5; 93B-15.1.

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION

(a) Each employer or his or her designee shall submit an online application for the registration of each employee to the Board. This online submission shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
(2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
(3) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
(4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee;
(5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
(6) one original signed SBI release of information form that shall be uploaded online with the original mailed to the Board's administrative office;
(7) a statement signed by a certified trainer that the applicant has completed the training requirements of Rule .0707 of this Section; and
(8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

Authority G.S. 74C-5; 74C-8.1; 74C-11.

14B NCAC 16 .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION

(a) Fees for unarmed security guards are as follows, along with a ~~four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and credit card transaction fee:

- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
- (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
- (3) fifteen dollar (\$15.00) transfer fee; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid online by credit card or other form of electronic funds transfer.

Authority G.S. 74C-9.

14B NCAC 16 .0706 RENEWAL OF UNARMED SECURITY GUARD REGISTRATION

(a) Each applicant for renewal of a registration identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not fewer than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the ~~four dollar (\$4.00)~~ convenience fee charged by the Board's on-line application vendor and credit card transaction fee; and
- (4) upload a completed affidavit form and public notice statement form.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing

education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

Authority G.S. 74C-5; 74C-11.

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each armed security guard employer or his or her designee shall submit an online application for the registration of each armed security guard applicant to the Board. This online submission shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with a ~~four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section;
- (6) a certification by the applicant that he or she is at least 21 years of age;
- (7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application, the completed affidavit form, and proof of completion of a Board approved firearms course and shall retain a copy of the application, including affidavit and proof of course completion, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application, affidavit, and proof of completion of a Board approved firearms course shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

Authority G.S. 74C-5; 74C-9; 74C-13.

14B NCAC 16 .0802 FEES FOR ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Fees for armed security guard firearm registration permits are as follows, along with ~~a four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and credit card transaction fee:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollar (\$15.00) application fee.

(b) Fees shall be paid online by credit card or other form of electronic funds transfer.

Authority G.S. 74C-9.

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the results of a statewide criminal history search obtained by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the ~~four dollar (\$4.00)~~ convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal

record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;

- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a completed affidavit form and public notice statement form.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including the affidavit in the guard's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(e) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

(f) During a national or State declared state of emergency that restricts or prohibits a registered armed security guard from requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for requalification up to 90 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1; 74C-9; 74C-13.

SECTION .0900 – TRAINER CERTIFICATE

14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE

Each applicant for a firearms trainer certificate shall submit an online application to the Board. The application shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;

- (3) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) the applicant's non-refundable application fee, along with ~~a four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee;
- (6) evidence of the liability insurance required by G.S. 74C-10(e) if the applicant is not an employee of a licensee;
- (7) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this Section or acceptable certificate of other current certification as set forth in Rule .0901(c) and (d) of this Section; and
- (8) the actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy or other entity to cover the cost of the firearms training course given by the N.C. Justice Academy or other entity and collected as part of the online application process by the Private Protective Services Board.

Authority G.S. 74C-5; 74C-8(d); 74C-8.1(a); 74C-13.

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months; and
- (3) the applicant's renewal fee, along with ~~the four dollar (\$4.00)~~ the convenience fee charged by

the Board's on-line application vendor and a separate credit card transaction fee.

- (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.
- (c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. The applicant shall furnish the Board a copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue.
- (d) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.
- (e) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.
- (f) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13; 93B-15.

14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER

Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
- (3) a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G. S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of

- (5) Investigation, collected online by the Private Protective Services Board;
- (5) the applicant's non-refundable application fee, along with a ~~four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee;
- (6) a certificate of successful completion of the training required by Rule .0909(a)(3) or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.
- (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part of the online application process by the Private Protective Services Board.

- (3) "Training Checklist" ~~refers to~~ means the ~~document(s)~~ documents that shall state all areas of training and work that the Associate has performed. The ~~supervising Private Investigator~~ sponsor is responsible for maintaining the training checklist and providing a copy of the checklist to the Associate. The Training Checklist must reflect the date the Associate advances from one level to another. The training checklist must be signed by the Associate and the ~~supervising Private Investigator~~ sponsor at the end of each reporting period. In the event the Associate transfers employment to another Private Investigator, the Associate must provide the new ~~supervising Private Investigator~~ sponsor with the training checklist and the new sponsoring Private Investigator will then be responsible for the maintenance of the checklist. The Training Checklist must be updated on a quarterly basis for Level One Associates and on a yearly basis for Level Two and Level Three Associates. The training checklist must be maintained pursuant to Rule .0108 of this Chapter. When an Associate completes Level Three, the Training Checklist must be made a part of the Associate's application for a Private Investigator's license. The Board shall have immediate access to the training ~~checklist~~ checklist upon request.
- (4) "Associate Log" ~~refers to~~ means the ~~document(s)~~ documents maintained by the ~~sponsoring Private Investigator~~ Associate which shall list each case the Associate has worked, the number of hours spent on the case, and the type of work performed. ~~Details of the one-on-one training must be documented within the Associate's log.~~

Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13.

SECTION .1100 - TRAINING AND SUPERVISION FOR PRIVATE INVESTIGATOR ASSOCIATES

14B NCAC 16 .1101 DEFINITIONS

In addition to the definitions set forth in G.S. 74C, the following definitions shall apply to this Section:

- (1) "Private Investigator Associate" ~~refers to~~ means an individual training to become a Private Investigator. A Private Investigator Associate may also be referred to as a "trainee" in these Rules. A Private Investigator Associate must complete three training levels as set out in this Section.
- (2) "One-on-one Supervision" means person-to-person contact whereby the licensed investigator is personally and directly supervising or training the Associate. The training investigator must be the sponsoring licensed Private Investigator or any licensed Private Investigator who is a member of the sponsoring Private Investigator's firm, association, or corporation. The Private Investigator Associate may not subcontract his or her employment to another Private Investigator. However, the sponsoring Private Investigator may subcontract the Private Investigator Associate if the sponsor obtains prior written approval from the Board's Director by showing that the Private Investigator Associate will receive an educational benefit from the subcontract employment and the Associate will receive one-on-one supervision from another licensed Private Investigator. One-on-one supervision may also be satisfied if the Associate undergoes training from an individual or educational course approved by the Board's Director prior to the Associate receiving the training.

Authority G.S. 74C-2(c); 74C-5(2).

14B NCAC 16 .1102 TRAINING AND SUPERVISION REQUIRED IN LEVEL ONE

- (a) If upon sponsorship, the Associate has less than one year or 1,000 hours of verifiable training or experience, the Associate shall be classified as a Level One Associate and undergo 160 hours of one-on-one supervision training.
- (b) The first 40 hours of employment shall be one-on-one supervision. The remaining 120 hours of one-on-one supervision shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes first.
- (c) A Level One Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall have direct face-to-face or telephone contact with the sponsor or another licensed Private Investigator within the firm, association, or corporation before accepting employment or before accepting a new case.
- (d) The sponsor or another licensed Private Investigator associated with the sponsor's firm, association, or corporation

shall meet with the Level One associate to review the Associate's work product. The ~~Private Investigator's sponsor's~~ review may be by telephone or face-to-face and shall occur at least four times per month. The ~~licensed Private Investigator sponsor~~ shall review each case on which the Associate is working or has worked since the last review. Review sessions may encompass more than one case.

Authority G.S. 74C-5(2).

14B NCAC 16 .1103 TRAINING AND SUPERVISION REQUIRED IN LEVEL TWO

(a) If upon initial application for an Associate permit, the applicant has at least one year or 1,000 hours of verifiable training or experience, the applicant will skip Level One and be classified as a Level Two Private Investigator Associate. An applicant that skips Level One shall undergo 80 hours of one-on-one training. The first 40 hours of one-on-one supervision shall occur within the first 40 hours of employment. The remaining 40 hours shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes first.

(b) A Level Two Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall have direct face-to-face or telephone contact with the sponsor or another licensed Private Investigator within the firm, association, or corporation before accepting employment or before accepting a new case.

(c) The sponsor or another licensed Private Investigator associated with the sponsor's firm, association, or corporation shall meet with the Level Two Associate to review the Associate's work product. The ~~Private Investigator's sponsor's~~ review may be by telephone or face-to-face and shall occur at least four times per month. The ~~licensed Private Investigator sponsor~~ shall review each case on which the Associate is working or has worked since the last review. Review sessions may encompass more than one case.

Authority G.S. 74C-5(2).

14B NCAC 16 .1104 TRAINING AND SUPERVISION REQUIRED IN LEVEL THREE

(a) If upon sponsorship the Associate has at least two years or 2,000 hours of verifiable training or experience, the Associate will be classified as a Level Three Private Investigator Associate and shall undergo 40 hours of one-on-one training.

(b) The first 40 hours of employment for the Level Three Private Investigator Associate shall be one-on-one supervision.

(c) When the Level Three Associate completes the requirements of Level Three by fulfilling the licensing requirements set forth in Rules .0204 and .0401 of this Chapter, the Associate may apply for a private investigator's license.

(d) The sponsor or another licensed Private Investigator associated with the sponsor's firm, association, or corporation shall meet with the Level Three Associate to review the Associate's work product. The ~~licensed Private Investigator sponsor~~ shall review each case on which the Associate is working or has worked since the last review. Review sessions may encompass more than one case.

(e) ~~The sponsoring Private Investigator sponsor shall have contact with the Level Three Associate sufficient to ensure the Level Three Associate remains in compliance with G.S. 74C.~~

Authority G.S. 74C-5(2).

14B NCAC 16 .1105 EDUCATIONAL DEGREES AND NON-DEGREED TRAINING

(a) Using the formula in Rule .0204 of this Chapter, the Board shall give credit toward the educational and training requirements of this Section as follows:

(1) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the associate's degree.

(2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the bachelor's degree.

(3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the graduate degree.

~~(a) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the associate's degree.~~

~~(b) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the bachelor's degree.~~

~~(c) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the graduate degree.~~

~~(d)~~(b) During the first 40 hours of one-on-one supervision, a Level One Associate may receive up to 4 hours of one-on-one supervision credit for time spent in the courtroom observing a docketed trial. Of the remaining 120 hours of one-on-one supervision required in Level One, the Associate may receive up to 12 hours of credit for time spent in the courtroom observing a trial. Of the thousand hours of training required in Level One, the Associate cannot receive more than 100 hours of credit for time spent in the courtroom observing a trial. To receive credit for courtroom observation, the Level One Associate must state in the

Associate's Log the docket number of the trial and the time spent observing the trial.

(c) During the first 40 hours of one-on-one supervision, a Level Two Associate may receive up to 4 hours of one-on-one supervision credit for time spent in the courtroom observing a docketed trial. Of the remaining 80 hours of one-on-one supervision required in Level Two, the Associate may receive up to 8 hours of credit for time spent in the courtroom observing a trial. Of the thousand hours of training required in Level Two, the Associate cannot receive more than 100 hours of credit for time spent in the courtroom observing a trial. To receive credit for courtroom observation, the Level Two Associate must state in the Associate's Log the docket number of the trial and the time spent observing the trial.

(d) During the first 40 hours of one-on-one supervision, a Level Three Associate may receive up to 4 hours of one-on-one supervision credit for time spent in the courtroom observing a docketed trial. Of the one thousand hours of training required in Level Three, the Associate cannot receive more than 100 hours of credit for time spent in the courtroom observing a trial. To receive credit for courtroom observation, the Level Three Associate must state in the Associate's Log the docket number of the trial and the time spent observing the trial.

Authority G.S. 74C-5(2).

SECTION .1300 – ARMORED CAR SERVICE GUARD REGISTRATION (UNARMED)

14B NCAC 16 .1301 APPLICATION FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each armored car employer or his designee shall complete an online application form for the registration of each unarmed armored car service guard applicant to the Board. This online form shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of

Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;

- (6) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1307 of this Section, if applicable; and
- (7) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application and completed affidavit and shall retain a copy of the application, including the affidavit, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card that shall be carried by the applicant when he or she is working is within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A copy of the statement specified in Subparagraph (a)(6) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

Authority G.S. 74C-3; 74C-5; 74C-8.1(a).

14B NCAC 16 .1302 FEES FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Fees for unarmed armored car service guards are as follows, along with a four dollar (\$4.00) the convenience fee charged by the Board's on-line application vendor and credit card transaction fee:

- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
- (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
- (3) fifteen dollar (\$15.00) transfer fee; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid by credit card or other form of electronic funds transfer.

Authority G.S. 74C-3; 74C-5; 74C-9.

14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her employer shall complete an online form provided by the Board. This online form shall be submitted not fewer than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) upload online a statement of the results of a statewide criminal history records search obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for

each state where the applicant has resided within the preceding 12 months;

- (2) the applicant's renewal fee, along with ~~a four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and credit card transaction fee.
- (3) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with application submission; and
- (4) a completed affidavit form and public notice statement form.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the online application, including the completed affidavit form, that shall serve as a record of application for renewal or reissue and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

Authority G.S. 74C-3; 74C-5; 78C-8.1(a).

SECTION .1400 - ARMED ARMORED CAR SERVICE GUARDS FIREARM REGISTRATION PERMIT

14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each armored car employer or his or her designee shall submit an online application form for the registration of each armed armored car service guard applicant to the Board. This online form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with application submission;
- (3) upload online a statement of the result of a statewide criminal history records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state

where the applicant has resided within the preceding 60 months;

- (4) the applicant's non-refundable registration fee, along with ~~a four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1407 of this Section;
- (6) a certification by the applicant that he or she is at least 18 years of age;
- (7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application and completed affidavit form and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application, affidavit, and training certification shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Online applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards unless the armored car employer has obtained prior approval from the Director. The Director shall grant prior approval if the armored car employer provides proof that the applicant has received prior Board approved firearms training.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13.

14B NCAC 16 .1402 FEES FOR ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Fees for armed armored car service guard firearm registration permits are as follows, along with ~~a four dollar (\$4.00)~~ the convenience fee charged by the Board's on-line application vendor and credit card transaction fee:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollars (\$15.00) application fee.

(b) Fees shall be paid by credit card or other form of electronic funds transfer.

Authority G.S. 74C-3; 74C-5; 74C-9; 74C-13.

14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card his or her employer or designee shall complete an online form provided by the Board. This online form shall be submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with ~~a four dollar (\$4.00) the~~ convenience fee charged by the Board's on-line application vendor and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of the Section; and
- (6) a completed affidavit form and public notice statement form.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and completed application, including the completed affidavit form, to serve as a record of application for renewal and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13.

SECTION .1500 - CLOSE PERSONAL PROTECTION

14B NCAC 16 .1501 EXPERIENCE REQUIREMENTS FOR A CLOSE PERSONAL PROTECTION LICENSE

(a) In addition to the requirements of G.S. 74C-8 and Section .0200 of this Chapter, applicants for a close personal protection license shall:

- (1) establish three years of verifiable experience while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) with a private person, firm, association, or corporation within the last 10 years;
- (2) establish three years of verifiable experience while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) with any federal, state, county or municipal law enforcement agency, or other governmental agency within the last 10 years;
- (3) establish a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) while serving in an official capacity; or
- (4) have completed a course in close personal protection approved by the Board given by a school specializing in close personal protection (or "executive protection") that consists of a minimum of 40 hours of actual classroom and practical instruction within the last two years as required by Rule .1502 of this Chapter.
- (5) possess a basic first aid certificate from the American Red Cross and a valid CPR and AED certification from the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a close personal protection license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years verifiable experience within the past five years while conducting close personal protection as set forth in in G.S. 74C-3(a)(3a) while serving in an official capacity with any entity described in Paragraph (a) of this Rule.

Authority G.S. 74C-5(2); 93B-15.1.

SECTION .1700 – TRAINING AND SUPERVISION FOR DIGITAL FORENSICS EXAMINER (D.F.E.) ASSOCIATES

14B NCAC 16 .1709 PROBATIONARY EMPLOYEES

(a) A digital forensic examiner licensee may employ a potential trainee as a probationary employee for 60 consecutive calendar days. The Director, upon written request of the licensee, shall extend the probationary period by 30 additional days.

(b) A digital forensic examiner licensee may supervise an intern as a probationary employee concurrent with the intern's educational institution's schedule.

(c) A digital forensic examiner licensee may employ an apprentice participating in a North Carolina registered apprentice program as set forth in G.S. 93B-8.6 as a probationary employee for the period prescribed in the federal guidelines as set forth therein.

(d) To qualify as an "intern" the potential probationary employee must be enrolled as a student in a high school, community college, college, or university, be in good standing with the educational institution, and the internship must be for credit towards a degree, diploma, or certificate issued by the educational institution.

(e) Upon completion of the probationary period and the desire of the licensee to supervise the probationary employee as a digital forensic examiner trainee, the potential trainee shall apply pursuant to Section .0200 of this Chapter.

(f) For hours gained during probationary employment, an internship, or apprenticeship to be considered for licensure the probationary employee shall comply with Rule .1702 of this Section.

(g) Before a probationary employee engages in any activity defined as digital forensic examination or has access to any confidential client information, the employee shall complete 40 hours of one-on-one supervision by the supervising licensee, and the licensee shall conduct a criminal record check on the employee.

(h) Before engaging the probationary employee, intern, or apprentice the licensee shall submit to the Director in writing the name, address, last four digits of social security number, confirmation that the results of the criminal history record check contain no prohibitions as set forth in G.S. 74C-8(d)(2), and anticipated start date and ending date of employment of the probationary employee. The Director shall confirm receipt within three business days of receipt.

(i) Probationary employment which does not comply with this Rule is a violation of Rule .0204(c)(2) of this Chapter.

(j) Any probationary employee, intern, or apprentice shall be a minimum of 18 years of age.

(k) The use of the terms "employee" and "employment" in this Rule does not require or mandate compensation for any probationary employment, internship, or apprenticeship.

Authority G.S. 74C-5(2); 93B-8.6.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 101 .0103-.0105 and readopt with substantive changes the rule cited as 15A NCAC 101 .0102.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: August 1, 2024

Public Hearing:

Date: May 21, 2024

Time: 2:00 p.m.

Location:

Zoom Meeting. Registration Required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_b5sL6WDdTl2pwEbl6sSwrw

Join by phone: Toll Free (877) 853-5247 or (888) 788-0099

Webinar ID: 161 747 0820

Reason for Proposed Action:

Amendments to 15A NCAC 101 .0100 Endangered and Threatened Species Rules:

15A NCAC 101 .0102 was determined to be "necessary with substantive public interest" and is required to be readopted as part of the periodic review. Amendments were made to clarify requirements and conditions for:

- take, possession, sale, propagation, transport, import, export, transfer, barter, trade, or stocking endangered, threatened, or special concern species;
- application of an endangered species permit;
- take and possession without a permit; and
- reporting.

15A NCAC 101 .0103, .0104, and .0105 were amended to update names of species, change listing statuses, and incorporate technical edits.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: May 31, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10I - ENDANGERED AND THREATENED SPECIES

SECTION .0100 - ENDANGERED AND THREATENED SPECIES

15A NCAC 10I.0102 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN SPECIES

(a) ~~No Open Season.~~ There is no open season for taking any of the species listed as endangered in Rule .0103, or threatened in Rule .0104 of this Section, except for the American alligator (*Alligator mississippiensis*) as set forth in the rules of this Chapter. Unless otherwise provided in North Carolina General Statutes or the rules of this Chapter, Except as provided in Paragraphs (b) and (d) of this rule, there is no open season for taking any of the species listed as special concern in Rule in Rules .0103, .0104, or .0105 of this Section. Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any animal listed in Rules .0103, .0104, or .0105 of this Section at any time.

(b) ~~Permits.~~ The Executive Director or his or her designee may issue permits to ~~take or possess an~~ take, possess, sell, propagate, transport, import, export, transfer, barter, trade, or stock endangered, threatened, or special concern species:

- (1) to an individual or institution ~~with experience and training in handling, and caring for the wildlife and in~~ conducting a scientific study, investigation for the purpose of ~~scientific investigation relevant to perpetuation or restoration of said species or as a part of a scientifically valid study or restoration effort; perpetuation, restoration, or management of a species;~~
- (2) to a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained the ~~specimen or specimens~~ in his or her possession, possesses the ~~requisite~~ equipment and expertise to care for ~~such specimen or the specimens,~~ and abides by the applicable caging requirements for the species set forth in 15A NCAC 10H ~~.0302; .1404;~~
- (3) to a person who lawfully possessed ~~any such the~~ species for ~~more than~~ 90 days immediately prior to the date that ~~such the~~ species was listed and who abides by ~~the~~ applicable caging requirements for the species set forth in 15A NCAC 10H .1404; ~~.0302; provided however,~~

~~that no permit shall be issued more than 90 days after the effective date of the initial listing for that species; or~~

- (4) to a person with demonstrable depredation from a Special Concern Species, or ~~the~~ American alligator (*Alligator mississippiensis*); mississippiensis);
 - (5) to a licensed falconer;
 - (6) to a retail or wholesale establishment whose primary function is providing scientific supplies, provided that:
 - (A) the specimens were lawfully obtained from captive populations or wild populations outside of North Carolina;
 - (B) the specimens are possessed in indoor facilities; and
 - (C) safeguards are provided during transportation to prevent accidental escape of the specimens.
 - (7) to state and federal government agencies, corporate research entities, and research institutions within North Carolina provided that:
 - (A) the specimens are possessed in indoor facilities;
 - (B) safeguards are provided during transportation to prevent accidental escape of the specimens;
 - (C) the agency's or institution's Animal Care and Use Committee has approved the research protocol for the species;
 - (D) no specimens shall be stocked or released in the public or private waters or lands of North Carolina; and
 - (E) specimens shall not be transferred to any private individual.
- (c) An individual may apply for an endangered species permit online at www.gooutdoorsnorthcarolina.com by providing the following information:
- (1) name, address, phone number, and email;
 - (2) species name and quantity;
 - (3) proposed activities;
 - (4) map with specific location of activities identified, if applicable;
 - (5) the source of the specimens and documentation of lawful acquisition;
 - (6) caging or confinement plans for specimens, if applicable;
 - (7) applicant's qualifications and explanation of experience;
 - (8) research proposal, if applicable;
 - (9) acknowledgement that additional federal permits may be required;
 - (10) plans for care of specimens and copy of Institutional Animal Care and Use Committee permit, if applicable; and
 - (11) plans for final disposition of specimens.

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~~(e)(d) Taking Without a Permit: The species listed in Rules .0103, .0104, and .0105 of this Section may be taken or possessed without a permit when:~~

- ~~(1) An individual may take an endangered, threatened, or special concern species takes the species in defense of his or her own life or the lives of others.~~
- ~~(2) an individual has obtained a permit to take an American alligator in accordance with 15A NCAC 10B .0224.~~
- ~~(3) an individual possesses meat or other parts of American alligators that have been lawfully taken, possessed, or bought in a state where there is an open season for harvesting alligators and the products are marketed in packages or containers that are labeled to indicate the state in which the animals were taken and the identity, address, and lawful authority of the processor or distributor.~~
- ~~(4) an individual is taking or harassing a red wolf (Canis rufus) pursuant to the conditions in 50 CFR 17.84(c), hereby incorporated by reference, including subsequent amendments and editions, available free of charge at www.ecfr.gov.~~
- ~~(2)(5) A state or federal conservation officer or employee an individual who is designated by his agency to do so may, meets the requirements of G.S. 113-261, who, when acting in the course of his or her official duties, take, possess, and transport takes, possesses, or transports endangered, threatened, or special concern species if the action is necessary to:~~
 - ~~(A) aid a sick, injured, diseased, or orphaned specimen;~~
 - ~~(B) dispose of a dead specimen;~~
 - ~~(C) salvage a dead specimen that may be useful for scientific study; or~~
 - ~~(D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety safety, provided the taking is done in a humane and noninjurious manner. The taking may involve injuring or killing endangered, threatened, or special concern species only if it is not possible to eliminate the threat by live capturing and releasing release the specimen unharmed, in a habitat that is suitable for the survival of that species. survival.~~

~~(d)(e) Reporting. Any taking or possession of an Take, possession, sale, propagation, transportation, importation, exportation, transfer, barter, trade, or stocking of endangered, threatened, or special concern species under Paragraphs (b) and (e)(d) of this Rule is subject to applicable federal reporting requirements, requirements of federal law and regulations, and the reporting requirements of the permit issued by the Executive~~

~~Director or permit, and applicable requirements of 15A NCAC 10B .0106(e).~~

~~(e) Exceptions.~~

- ~~(1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators that have been lawfully taken in a state in which there is an open season for harvesting alligators may be possessed, bought, and sold when such products are marketed in packages or containers that are labeled to indicate the state in which they were taken and the identity, address, and lawful authority of the processor or distributor.~~
- ~~(2) Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.~~
- ~~(3) Captive bred raptors listed as special concern species may be bought, sold, bartered, or traded as provided in 50 CFR 21.85 when marked as required under those regulations. 50 CFR 21.85 is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.~~
- ~~(4) Red Wolves (Canis rufus) listed as threatened in Rule .0104 in this Section may be taken or harassed pursuant to the conditions provided in 50 CFR 17.84(e). 50 CFR 17.84(e) is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.~~
- ~~(5) Importation, possession, sales, transportation, and exportation of species listed as special concern species in Rule .0105 of this Section shall be allowed under permit by retail and wholesale establishments whose primary function is providing scientific supplies for research, provided that:~~
 - ~~(A) the specimens were lawfully obtained from captive or wild populations outside of North Carolina;~~
 - ~~(B) they are possessed in indoor facilities;~~
 - ~~(C) all transportation of specimens provides safeguards adequate to prevent accidental escape; and~~
 - ~~(D) importation, possession, and sale or transfer is permitted only as listed in Parts (e)(4)(A) and (B) of this Rule.~~

~~(f) A written application to the Commission shall be required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the specimens and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as~~

~~to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.~~

~~(g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit to state and federal governmental agencies, corporate research entities, and research institutions, provided that:~~

- ~~(1) sales are permitted to out of state consumers;~~
- ~~(2) the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental escape are provided during all transportation of the specimens;~~
- ~~(3) the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and~~
- ~~(4) no specimens may be stocked or released in the public or private waters or lands of North Carolina and specimens may not be transferred to any private individual.~~

Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333.

15A NCAC 101.0103 ENDANGERED SPECIES LISTED

(a) The following species of resident wildlife shall be designated as federally listed endangered species:

- (1) Amphibians: None listed.
- (2) Birds:
 - (A) Bachman's warbler (*Vermivora bachmanii*);
 - (B) Ivory-billed woodpecker (*Campephilus principalis*);
 - (C) Piping plover (*Charadrius melodus circumcinctus*);
 - (D) Red-cockaded woodpecker (*Dryobates borealis*); and
 - (E) Roseate tern (*Sterna dougallii dougallii*).
- (3) Crustacea: None listed.
- (4) Fish:
 - (A) Cape Fear shiner (~~Notropis~~ Miniellus mekistocholas);
 - (B) Carolina madtom (*Noturus furiosus*);
 - (C) Roanoke logperch (*Percina rex*);
 - (D) Shortnose sturgeon (*Acipenser brevirostrum*), when found in inland fishing waters as defined in G.S. 113-129(9); and
 - (E) Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), when found in inland fishing waters as defined in G.S. 113-129(9).
- (5) Mammals:
 - (A) Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*);
 - (B) Eastern cougar (*Puma concolor*);
 - (C) Gray bat (*Myotis grisescens*);
 - (D) Indiana bat (*Myotis sodalis*);

~~(E) Manatee (*Trichechus manatus*), when found in inland fishing waters as defined in G.S. 113-129(9); and~~

~~(E) Northern long-eared bat (*Myotis septentrionalis*); and~~

~~(F) Virginia big-eared bat (*Corynorhinus townsendii virginianus*).~~

(6) Mollusks:

- (A) Appalachian elktoe (*Alasmidonta raveneliana*);
- (B) Carolina heelsplitter (*Lasmigona decorata*);
- (C) Dwarf wedgemussel (*Alasmidonta heterodon*);
- (D) James spiny mussel (*Parvaspina collina*);
- (E) Littlewing pearl mussel (*Pegias fabula*);
- (F) Tan riffleshell (*Epioblasma florentina walkeri*); and
- (G) Tar River spiny mussel (*Parvaspina steinstansana*).

(7) Reptiles:

- (A) Kemp's ridley sea turtle (*Lepidochelys kempii*);
- (B) ~~Atlantic hawksbill~~ Hawksbill sea turtle (*Eretmochelys imbricata*); and
- (C) Leatherback sea turtle (*Dermochelys coriacea*).

(b) The following species of resident wildlife shall be designated as State-listed endangered species:

(1) Amphibians:

- (A) Gopher frog (*Rana [=Lithobates] capito*);
- (B) Hickory Nut Gorge green salamander (*Aneides ~~caryaensis~~ caryaensis*);
- (C) Ornate chorus frog (*Pseudacris ornata*); and
- (D) River frog (*Rana [=Lithobates] heckscheri*).

(2) Birds:

- (A) American peregrine falcon (*Falco peregrinus anatum*);
- ~~(B) Bewick's wren (*Thryomanes bewickii*);~~
- ~~(C)~~ (B) Common tern (*Sterna hirundo*);
- ~~(D)~~ (C) Henslow's sparrow (*Centronyx henslowii*); and
- ~~(E)~~ (D) Wayne's black-throated green warbler (*Setophaga virens waynei*).

(3) Crustacea:

- (A) Bennett's Mill cave water slater (*Caecidotea carolinensis*); and
- (B) Waccamaw crayfish (*Procambarus braswelli*).

(4) Fish:

- (A) Blotchside logperch (*Percina burtoni*);
- (B) Bridle shiner (*Notropis bifrenatus*);
- (C) Orange fin madtom (*Noturus gilberti*);

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- (D) Paddlefish (*Polyodon spathula*);
 (E) Robust redhorse (*Moxostoma robustum*);
 (F) Rustyside sucker (*Thoburnia hamiltoni*);
 (G) Sharpnose darter (*Percina oxyrhynchus*); and
 (H) Stonecat (*Noturus flavus*).
- (5) Mammals:
 (A) Little brown bat (*Myotis lucifugus*); and
 (B) Tricolored bat (*Perimyotis subflavus*).
- (6) Mollusks:
 (A) Barrel floater (*Utterbackiana couperiana*);
 (B) Brook floater (*Alasmidonta varicosa*);
 (C) Carolina creekshell (~~*Villosa vaughaniana*~~; (*Sagittunio vaughanianus*);
 (D) Fragile glyph (~~*Glyphyalimia Pilsbryna*~~ *clingmani*);
 (E) Green floater (*Lasmigona subviridis*);
 (F) Greenfield ~~rams horn~~ ramshorn (*Helisoma eucosmium*);
 (G) Knotty elimia (*Elimia christyi*);
 (H) Longsolid (*Fusconaia subrotunda*);
 (I) Magnificent ramshorn (*Planorbella magnifica*);
 (J) Purple wartyback (*Cyclonaias tuberculata*);
 (K) Savannah lilliput (*Toxolasma pullus*);
 (L) Slippershell mussel (*Alasmidonta viridis*);
 (M) Tennessee clubshell (*Pleurobema oviforme*);
 (N) Tennessee heelsplitter (*Lasmigona holstonia*);
 (O) Tennessee pigtoe (*Pleuronaia barnesiana*); and
 (P) Yellow lampmussel (*Lampsilis cariosa*).
- (7) Reptiles:
 (A) Eastern coral snake (*Micrurus fulvius fulvius*); and
 (B) Eastern diamondback rattlesnake (*Crotalus adamanteus*); and
 (C) Mimic glass lizard (*Ophisaurus mimicus*).
- (A) Eastern black rail (*Laterallus jamaicensis jamaicensis*);
 (B) Piping plover (*Charadrius melodus melodus*);
 (C) Red knot (*Calidris canutus rufa*); and
 (D) Wood stork (*Mycteria americana*).
- (3) Crustacea: None listed.
 (4) Fish:
 (A) Spotfin chub (*Erimonax monachus*); and
 (B) Waccamaw silverside (*Menidia extensa*).
- (5) Mammals: ~~Northern long-eared bat (*Myotis septentrionalis*)~~ West Indian Manatee (*Trichechus manatus*), when found in inland fishing waters as defined in G.S. 113-129(9).
- (6) Mollusks:
 (A) Atlantic pigtoe (*Fusconaia masoni*);
 (B) Longsolid (*Fusconaia subrotunda*);
 (B)(C) ~~Noonday globe (*Patera elarki* nantahala)~~; and
 (C)(D) ~~Yellow lance (*Elliptio lanceolata*)~~.
- (7) Reptiles:
 (A) Bog turtle (*Glyptemys muhlenbergii*);
 (B) American alligator (*Alligator mississippiensis*); *mississippiensis*;
 (C) Green sea turtle (*Chelonia mydas*); and
 (D) Loggerhead sea turtle (*Caretta caretta*).
- (b) The following species of resident wildlife are designated as State-listed threatened species:
 (1) Amphibians:
 (A) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);
 (B) Green salamander (*Aneides aeneus*);
 (C) Junaluska salamander (*Eurycea junaluska*);
 (D) Eastern long-tailed Long-tailed salamander (*Eurycea longicauda longicauda*);
 (E) Mabee's salamander (*Ambystoma mabeei*);
 (F) Pine Barrens tree frog (*Hyla andersonii*); and
 (G) Wehrle's salamander (*Plethodon wehrlei*).
- (2) Birds:
 (A) Bald eagle (*Haliaeetus leucocephalus*);
 (B) Black skimmer (*Rynchops niger*);
 (B)(C) ~~Caspian tern (*Hydroprogne caspia*)~~;
 (C)(D) ~~Gull-billed tern (*Gelochelidon nilotica* aranea)~~;
 (D)(E) ~~Northern saw-whet owl (*Aegolius acadicus*)~~; and
 (F) Rusty blackbird (*Euphagus carolinus*).
- (3) Crustacea:

Authority G.S. 113-134; 113-333.

15A NCAC 10I .0104 THREATENED SPECIES LISTED

(a) The following species of resident wildlife shall be designated as federally-listed threatened species:

- (1) Amphibians: Neuse River waterdog (*Necturus lewisi*).
- (2) Birds:

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- (A) Broad River spiny crayfish (*Cambarus spicatus*);
 - (B) French Broad crayfish (*Cambarus reburus*);
 - (C) Pamlico crayfish (*Procambarus medialis*);
 - (D) Sandhills crayfish (*Procambarus pearsei*); and
 - (E) South Mountains crayfish (*Cambarus franklini*).
- (4) Fish:
- (A) Bigeye jumprock (*Moxostoma ariommum*);
 - (B) Blotched chub (*Erimystax insignis*);
 - (C) Carolina pygmy sunfish (*Elassoma boehlkei*);
 - (D) Carolina redhorse (*Moxostoma* sp.);
 - (E) Ironcolor shiner (~~*Notropis*~~ (*Alburnops chalybaeus*);
 - (F) Least brook lamprey (*Lampetra aepyptera*);
 - (G) Logperch (*Percina caprodes*);
 - (H) Mimic shiner (~~*Notropis*~~ (*Paranotropis volucellus*);
 - (I) Rosyface chub (*Hybopsis rubrifrons*);
 - (J) Sharphead darter (~~*Etheostoma*~~ (*Nothonotus acuticeps*);
 - (K) Santee chub (*Cyprinella zanema*);
 - (L) Sicklefin redhorse (*Moxostoma* sp.);
 - (M) Thicklip chub (*Cyprinella labrosa*);
 - (N) Turquoise darter (*Etheostoma inscriptum*); and
 - (O) Waccamaw darter (*Etheostoma perlongum*).
- (5) Mammals:
- (A) Eastern woodrat (*Neotoma floridana floridana*);
 - (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); and
 - (C) Red wolf (*Canis rufus*).
- (6) Mollusks:
- (A) Alewife floater (*Utterbackiana implicata*);
 - (B) Big-tooth covert (*Fumonelix jonesiana*);
 - (C) Cape Fear threetooth (*Triodopsis soelneri*);
 - (D) Eastern lampmussel (*Lampsilis radiata*);
 - (E) Eastern pondmussel (~~*Ligumia nasuta*~~; (*Sagittunio nasutus*);
 - (F) Engraved covert (*Fumonelix orestes*);
 - (G) Mountain creekshell (~~*Villosa*~~ (*Leaunio vanuxemensis*);
 - (H) Notched rainbow (~~*Villosa*~~ (*Venustaconcha constricta*);
 - (I) Rainbow (~~*Villosa*~~ (*Cambarunio iris*);
 - (J) Roan supercoil (*Paravitrea varidensis*);
- (K) Sculpted supercoil (*Paravitrea ternaria*);
 - (L) Smoky Mountain covert (*Inflectarius ferrissi*);
 - (M) Creeper (*Strophitus undulatus*);
 - (N) Tidewater mucket (~~*Leptodea*~~ (*Atlanticoncha ochracea*);
 - (O) Triangle floater (*Alasmidonta undulata*); and
 - (P) Waccamaw ambersnail (*Catinella waccamawensis*).
- (7) Reptiles:
- (A) Northern pine snake (*Pituophis melanoleucus melanoleucus*); and
 - (B) Southern hognose snake (*Heterodon simus*).
- Authority G.S. 113-134; 113-333.*
- 15A NCAC 10I .0105 SPECIAL CONCERN SPECIES LISTED**
- The following species of resident wildlife shall be designated as State-listed special concern species:
- (1) Amphibians:
- (a) Collinses' mountain chorus frog (*Pseudacris collinsorum*);
 - (b) Crevice salamander (*Plethodon longicrus*);
 - (c) Dwarf salamander (*Eurycea quadridigitata*);
 - (d) Dwarf black-bellied salamander (*Desmognathus folkertsi*);
 - (e) Eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*);
 - (f) Four-toed salamander (*Hemidactylium scutatum*);
 - (g) Gray treefrog (*Hyla versicolor*);
 - (h) Mole salamander (*Ambystoma talpoideum*);
 - (i) Mudpuppy (*Necturus maculosus*);
 - (j) Southern chorus frog (*Pseudacris nigrita*);
 - (k) Southern zigzag salamander (*Plethodon ventralis*); and
 - (l) Weller's salamander (*Plethodon welleri*).
- (2) Birds:
- (a) American oystercatcher (*Haematopus palliatus*);
 - (b) Bachman's sparrow (*Peucaea aestivalis*);
 - (c) Barn owl (*Tyto alba*);
 - (d) Black-capped chickadee (*Poecile atricapillus*);
 - (~~e~~) Black skimmer (~~*Rynchops niger*~~);
 - (~~f~~) Brown creeper (*Certhia americana nigrescens*);
 - (~~g~~) Cerulean warbler (*Setophaga cerulea*);
 - (~~h~~) Glossy ibis (*Plegadis falcinellus*);

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- (~~h~~) Golden-winged warbler (*Vermivora chrysoptera*);
 - (~~i~~) Least bittern (*Ixobrychus exilis*);
 - (~~j~~) Least tern (*Sternula antillarum*);
 - (~~k~~) Little blue heron (*Egretta caerulea*);
 - (~~l~~) Loggerhead shrike (*Lanius ludovicianus*);
 - (~~m~~) Painted bunting (*Passerina ciris*);
 - (~~n~~) Red crossbill (*Loxia curvirostra*);
 - (~~o~~) Snowy egret (*Egretta thula*);
 - (p) Swallow-tailed kite (*Elanoides forficatus*);
 - (q) Tricolored heron (*Egretta tricolor*);
 - (~~r~~) Vesper sparrow (*Poocetes gramineus*); and
 - (~~s~~) Wilson's plover (*Charadrius wilsonia*).
- (3) Crustacea:
- (a) Carolina skistodiptomus (*Skistodiptomus carolinensis*);
 - (b) Carolina well diacyclops (*Diacyclops jeanneli putei*);
 - (c) Chowanoke crayfish (*Faxonius virginensis*);
 - (d) Graceful clam shrimp (*Lynceus gracilicornis*);
 - (e) Greensboro burrowing crayfish (*Cambarus catagius*);
 - (f) Hiwassee headwaters crayfish (*Cambarus parrishi*);
 - (g) Little Tennessee River crayfish (*Cambarus georgiae*);
 - (h) North Carolina spiny crayfish (*Faxonius carolinensis*); and
 - (i) Oconee stream crayfish (*Cambarus chaugaensis*).
- (4) Fish:
- (a) American brook lamprey (*Lethenteron appendix*);
 - (b) "Atlantic" Highfin carpsucker (*Carpodes sp. cf. velifer*);
 - (c) Banded sculpin (*Cottus carolinae*);
 - (d) Blue Ridge sculpin (*Cottus caeruleomentum*);
 - (e) Blueside darter (*Etheostoma jessiae*);
 - (f) Broadtail madtom (*Noturus sp.*);
 - (g) Carolina darter (*Etheostoma collis*);
 - (h) Cutlip minnow (*Exoglossum maxillingua*);
 - (i) Freshwater drum (*Aplodinotus grunniens*);
 - (j) Kanawha minnow (*Phenacobius teretulus*);
 - (k) Lake sturgeon (*Acipenser fulvescens*);
 - (l) Least killifish (*Heterandria formosa*);
 - (m) Mooneye (*Hiodon tergisus*);
 - (n) Mountain madtom (*Noturus eleutherus*);
 - (o) Ohio lamprey (*Ichthyomyzon bdellium*);
 - (p) Olive darter (*Percina squamata*);
 - (q) Pinewoods darter (*Etheostoma mariae*);
 - (r) River carpsucker (*Carpodes carpio*);
 - (s) Sandhills chub (*Semotilus lumbee*);
 - (t) Seagreen darter (*Etheostoma thalassinum*);
 - (u) Sickie darter (*Percina williamsi*);
 - (v) Smoky dace (*Clinostomus sp.*);
 - (w) Sooty-banded darter (*Percina westfalli*);
 - (~~w~~)(x) Striped shiner (*Luxilus chrysocephalus*);
 - (~~x~~)(y) Snubnose darter (*Etheostoma simoterum*);
 - (~~y~~)(z) "Thinlip" chub (*Cyprinella sp. cf. zanema*);
 - (~~z~~)(aa) Waccamaw killifish (*Fundulus waccamensis*);
 - (~~aa~~) ~~Westfall's darter~~ (*Percina westfalli*);
 - (bb) Wounded darter (~~*Etheostoma vulneratum*~~); (*Nothonotus vulneratus*); and
 - (cc) Yellowfin shiner (~~*Notropis*~~ (*Hydrophlox lutipinnis*)).
- (5) Mammals:
- (a) Allegheny woodrat (*Neotoma magister*);
 - (b) Buxton Woods white-footed mouse (*Peromyscus leucopus buxtoni*);
 - (c) Coleman's oldfield mouse (*Peromyscus polionotus colemani*);
 - (d) Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*);
 - (e) Eastern small-footed bat (*Myotis leibii leibii*);
 - (f) Florida yellow bat (*Lasiurus intermedius floridanus*);
 - (g) Southeastern bat (*Myotis austroriparius*);
 - (h) Southern rock vole (*Microtus chrotorrhinus carolinensis*); and
 - (i) Star-nosed mole (*Condylura cristata parva*).
- (6) Mollusks:
- (a) Appalachian gloss (*Zonitoides patuloides*);
 - (b) Bidentate dome (*Ventridens coelaxis*);
 - (c) Black mantleslug (*Pallifera hemphilli*);
 - (d) Blackwater ancyloid (*Ferrissia hendersoni*);
 - (e) Blue-foot lancetooth (*Haplotrema kendeighi*);
 - (f) Cape Fear spike (*Elliptio marsupiobesa*);
 - (g) Clingman covert (*Fumonelix wheatleyi clingmanicus*);

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|---|--|
| <p>(h) Dark glyph (Glyphyalinia junaluskana);</p> <p>(i) Dwarf proud globe (Patera clarki clarki);</p> <p>(j) Dwarf threetooth (Triodopsis fulciden);</p> <p>(k) Fringed coil (Helicodiscus fimbriatus);</p> <p>(l) Glossy supercoil (Paravitrea placentula);</p> <p>(m) Great Smoky slitmouth (Stenotrema depilatum);</p> <p>(n) High mountain supercoil (Paravitrea andrewsae);</p> <p>(o) Honey glyph (Glyphyalinia vanattai);</p> <p>(p) Lamellate supercoil (Paravitrea lamellidens);</p> <p>(q) Mirey Ridge supercoil (Paravitrea clappi);</p> <p>(r) Open supercoil (Paravitrea umbilicaris);</p> <p>(s) Pink glyph (Glyphyalinia pentadelphia);</p> <p><u>(t)</u> <u>Pink heelsplitter (Potamilus alatus);</u></p> <p>(u) Pod lance (Elliptio folliculata);</p> <p>(v) Queen crater (Appalachina chilhoweensis);</p> <p>(w) Ramp Cove supercoil (Paravitrea lacteodens);</p> <p>(x) Ridged lioplax (Lioplax subcarinata);</p> <p>(y) Roanoke slabshell (Elliptio roanokensis);</p> <p>(z) Saw-tooth disc (Discus bryanti);</p> <p>(aa) Seep mudalia (Leptoxis dilatata);</p> <p>(ab) Spike (Euryntia dilatata);</p> <p>(bc) Spiral coil (Helicodiscus bonamicus);</p> <p>(cd) Velvet covert (Inflectarius subpalliatu);</p> <p>(de) Waccamaw amnicola (Amnicola sp.);</p> <p>(ef) Waccamaw siltsnail (Cincinnati sp.); and</p> <p>(fg) Wavy-rayed lampmussel (Lampsilis fasciola).</p> | <p>(h) Eastern slender glass lizard (Ophisaurus attenuatus longicaudus);</p> <p>(i) Eastern spiny softshell (Apalone spinifera spinifera);</p> <p>(j) Northern map turtle (Graptemys geographica);</p> <p>(k) Outer Banks kingsnake (Lampropeltis getula sticticeps);</p> <p>(l) Stripeneck musk turtle (Sternotherus minor peltifer); and</p> <p>(m) Timber rattlesnake (Crotalus horridus).</p> |
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- (7) Reptiles:
- (a) Carolina pigmy rattlesnake (Sistrurus miliarius miliarius);
- (b) Carolina swamp snake (Liodytes pygaea paludis);
- (c) Carolina watersnake (Nerodia sipedon williamengelsi);
- (d) Cumberland slider (Trachemys scripta troostii);
- (e) Diamondback terrapin (Malaclemys terrapin);
- (f) Eastern chicken turtle (Deirochelys reticularia reticularia);
- (g) Eastern coachwhip (Coluber ~~(=Masticophis)~~ [=Masticophis] flagellum flagellum);

Authority G.S. 113-134; 113-333.

TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to repeal the rules cited as 16 NCAC 06I .0101-.0105, .0201, .0202, .0301-.0304, .0401-.0407; 06J .0101-.0110, .0201-.0208, .0301; 06K .0104 and .0105.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rules is available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.dpi.nc.gov/about-dpi/state-board-education/rules-apa>

Proposed Effective Date: August 1, 2024

Public Hearing:

Date: May 31, 2024

Time: 10:00 a.m.

Location:

<https://ncgov.webex.com/ncgov/j.php?MTID=m0555f8add3f39a48ca7e33233297212d>

Reason for Proposed Action: *In April 2023, the General Assembly enacted S.L. 2023-10, which significantly re-organized the governance structure for the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead School for the Blind. Effective July 1, 2024, governance of these institutions will transfer from the State Board of Education (SBE) to an independent board of trustees for each institution. New G.S. 115C-150.12C sets forth the powers and duties of the boards of trustees, which includes the power to “adopt rules necessary for the administration of the school to implement the requirements of [Chapter 115C, Article 9C of the General Statutes].” Subdivision (36) of that section provides that the boards of trustees are exempt from the rulemaking provisions of Article 2A of Chapter 150B. At the same time, G.S. 115C-150.11(a), as amended, reserves to the SBE the authority to adopt rules governing the boards of trustees in accordance with Chapter 150B.*

In recognition of this impending change, the SBE is proposing to repeal three subchapters of Title 16, Chapter 6 of the North Carolina Administrative Code that currently govern the schools for the deaf and blind. As an initial matter, many of these rules rely on statutory authority that has since been repealed, are unenforceable as written, or are simply outdated. Moreover, most of the issues addressed by these rules are issues that G.S. 115C-150.11(a) specifically reserves to the determination of the new board of trustees, or are otherwise best left to their considered judgment in consultation with school personnel. Finally, and most importantly, certain rules are inconsistent with the new admissions criteria and procedures for these institutions required by new G.S. 115C-150.13A. For example, 16 NCAC 06K .0104 currently provides that if the Individualized Education Plan (IEP) team for a student identified as a child with disabilities determines that placement in one of these institutions is the least restrictive placement for that child, the child must be placed there. By contrast, G.S. 115C-150.13A requires each institution to have an admissions committee that determines whether a child will be admitted to the school based on several specified criteria.

For these reasons, the SBE has determined that repeal of these rules is necessary and appropriate. Since the rules are being repealed, no fiscal note is required.

Comments may be submitted to: Ryan Collins, 6301 Mail Service Center, Raleigh, NC 27699-6301; email ryan.collins@dpi.nc.gov

Comment period ends: May 31, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06I - THE GOVERNOR MOREHEAD SCHOOL

SECTION .0100 - ADMINISTRATIVE PROCEDURES

- 16 NCAC 06I .0101 PURPOSE AND RESPONSIBILITIES
16 NCAC 06I .0102 ELIGIBILITY

Authority G.S. 115C-106(b); 115C- 113; 115C-127; 115C-128; 115C-130; 115C-131; 115C-.

- 16 NCAC 06I .0103 MEDICAL AND HEALTH SERVICES

Authority G.S. 115-325; 143B-173(b).

- 16 NCAC 06I .0104 STUDENT INFORMATION

Authority G.S. 115C-114; 115C-321; 143B-10; 150B-14(c).

- 16 NCAC 06I .0105 THE GOVERNOR MOREHEAD SCHOOL CAMPUS PARKING

Authority G.S. 143-116.7.

SECTION .0200 - PERSONNEL

- 16 NCAC 06I .0201 AUTHORITY OF TEACHERS AND HOUSEPARENTS
16 NCAC 06I .0202 WHO MAY GIVE DIRECTIONS

Authority G.S. 115C-127; 115C-307; ; 115C-321; 143B-10.

SECTION .0300 - STUDENT RULES

- 16 NCAC 06I .0301 COMPLIANCE WITH CAMPUS RULES AND AUTHORIZED PERSONS
16 NCAC 06I .0302 PROTECTION OF PROPERTY
16 NCAC 06I .0303 USE OF DRUGS
16 NCAC 06I .0304 CODE OF DRESS FOR STUDENTS

Authority G.S. 115C-321; 143B-173(b); 150B-14(c).

SECTION .0400 - DISCIPLINE

- 16 NCAC 06I .0401 DEFINITIONS OF DISCIPLINARY TERMS
16 NCAC 06I .0402 PROCEDURE FOR ADMINISTERING DISCIPLINE
16 NCAC 06I .0403 DISTRIBUTION OF POLICY
16 NCAC 06I .0404 DISCIPLINE VIOLATIONS
16 NCAC 06I .0405 DISCIPLINARY ACTIONS
16 NCAC 06I .0406 REQUEST FOR DETERMINATION
16 NCAC 06I .0407 APPLICABILITY OF PROCEDURES

Authority G.S. 115C-321; 143B-173(b).

SUBCHAPTER 06J – NORTH CAROLINA SCHOOLS FOR THE DEAF

SECTION .0100 - ADMINISTRATIVE PROCEDURES

- 16 NCAC 06J .0101 CAMPUSES
16 NCAC 06J .0102 ELIGIBILITY
16 NCAC 06J .0103 APPLICATION PROCEDURES
16 NCAC 06J .0104 STUDENT FEE
16 NCAC 06J .0105 REFUNDS
16 NCAC 06J .0106 DEFINITION
16 NCAC 06J .0107 CONSENT REQUIRED FROM STUDENT OR PARENT
16 NCAC 06J .0108 CONSENT REQUIRED FROM FORMER STUDENT OR PARENT
16 NCAC 06J .0109 USE OF SCHOOL'S RECORDS FOR RESEARCH
16 NCAC 06J .0110 AVAILABILITY OF RECORDS TO STAFF MEMBERS

Authority G.S. 115-336; 115-340; 115C-110; 115C-111; 115C-114; 115C-123; 115C-124.

SECTION .0200 - STUDENT RULES

- 16 NCAC 06J .0201 HOME VISITS
16 NCAC 06J .0202 VISITS TO OTHER STUDENT'S HOMES
16 NCAC 06J .0203 REIMBURSEMENT FOR DAMAGED PROPERTY
16 NCAC 06J .0204 ALCOHOLIC BEVERAGES
16 NCAC 06J .0205 DRUGS
16 NCAC 06J .0206 TOBACCO PRODUCTS
16 NCAC 06J .0207 LEAVING CAMPUS
16 NCAC 06J .0208 EXPULSION

Authority G.S. 115C-111; 115C-112; 115C-523; 143B-10; 143B-216.33.

SECTION .0300 - PERSONNEL

16 NCAC 06J .0301 AUTHORITY OF CLASSROOM TEACHERS/DORMITORY PERSONNEL

Authority G.S. 115C-307; 143B-10; 143B-216.33.

SUBCHAPTER 06K – EDUCATION SERVICES FOR THE DEAF AND BLIND (EDSB)

- 16 NCAC 06K .0104 PLACEMENT PROCEDURES
16 NCAC 06K .0105 WEAPONS PROHIBITED ON SCHOOL PROPERTY

Authority G.S. 14-269; 14-269.2; 115C-12; 115C-107.2; 115C-150.11; 115C-150.13.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 66 - VETERINARY MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Veterinary Medical Board intends to adopt the rules cited as 21 NCAC 66 .1001-.1004, and .1101-.1110.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncvmb.org

Proposed Effective Date: TBD based on the effective date of the Facility Permit rules that are subject to legislative review.

Public Hearing:

Date: May 21, 2024

Time: 9:00 a.m.

Location: 1611 Jones Franklin Road Suite 106, Raleigh, NC and via Zoom https://us02web.zoom.us/j/9593847865

Reason for Proposed Action: Session Law 2023-63 Section 4.(f)

Comments may be submitted to: Keith West, 1611 Jones Franklin Road Suite 106, Raleigh, NC 27606; phone (919) 854-5601; email kwest@ncvmb.org

Comment period ends: May 31, 2024

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 66 – VETERINARY MEDICAL BOARD

SECTION .1000 – BOARDING KENNELS

21 NCAC 66 .1001 RECORDS; BOARDING KENNELS

Operators of a boarding kennel, as defined in G.S. 90-181(b)(1a), shall maintain records, as part of the medical record, of all dogs and cats showing the following:

- (1) name and address of owner or person responsible for animal, the date of entry and signature of the person leaving the animal; and the date of release and signature and address of individual to whom animal is released;
(2) description of animal including breed or breed type, sex, age, and color markings;
(3) veterinary care provided while boarded, which shall include date, times of administration, description of medication and initials of person administering product or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency and duration to include the number of dosages or days to be given and the reason for the administration;
(4) all records shall be created and/or updated at the time of the occurrence such as intake, medication, or treatment administration and/or release. The record shall be accurate; creation of a misleading record or deliberate or non-incident falsification of a record including medication administration during or after an investigation or inspection shall be considered a violation of this regulation;
(5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include date of incident, pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action; and
(6) in the event of either an animal death or escape, while boarding not incidental to the practice of veterinary medicine, the licensee shall notify the North Carolina Veterinary Medical Board within 48 hours.

Authority S.L. 2023-63.

21 NCAC 66 .1002 INSPECTION OF RECORDS

Boarding kennels shall make all required records available to the North Carolina Veterinary Medical Board or its authorized representative on request, during business hours and/or during an inspection of the facility or an investigation. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of three years after the animal is released from a boarding kennel.

Authority S.L. 2023-63.

21 NCAC 66 .1003 DEFINITIONS

As used in this Section:

- (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas, or objects to which an animal may have access, including, but not limited to toys, blankets, food and water utensils, and bedding.
(2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or health. Adequate veterinary care means provision of veterinary care sufficient to address the relief of pain and/or suffering experienced by the animal and sufficient to address the medical condition.
(3) "Behavioral-control device" means any apparatus used to control a pet animal's behavior.
(4) "Boarding Kennel" as defined in G.S. 90-181(b)(1a).
(5) "Cage" means a primary enclosure which is enclosed on all sides including the top and bottom.
(6) "Compatible group" means all animals in the group comingle peacefully without the presence of aggressive, harassing, and/or agitating behaviors toward any other member(s) of the group.
(7) "Common area(s)" means areas of the facility in which multiple animals may have access such as walkway(s), facility lobby(ies), hallway(s), area(s) around primary enclosures and exercise areas, and other such similar areas.
(8) "Disposition" means the death, euthanasia, release, or transfer from a facility.
(9) "Enrichment" means providing objects or activities, appropriate to the needs of the species as well as the age, size, and condition of the animal, that stimulates the pet and promotes the pet's well-being.
(10) Exercise area means an enclosed space in which an animal(s) is confined, and which is large enough for species-appropriate activity such as walking, running, climbing, jumping, socialization and/or play to occur.
(11) "Husbandry" means the practice of daily care administered to animals.
(12) "Impervious to moisture" means a surface that prevents the absorption of fluids and that can be thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.
(13) "Infirm" means not physically or mentally strong, especially through age or illness.
(14) "Isolation" means the separation, for the period of communicability, of infected animals from others in such a place and under such conditions to prevent the direct or indirect transmission of

the infectious agent from those infected to those that are susceptible or that may spread the agent to others.

- (15) "Isolation area" means a location where animals infected with disease may be placed to contain, control, and limit the spread of the disease.
- (16) "Permit period" means January 1 through December 31.
- (17) "Long term care" means the housing of an animal for a period of more than 30 consecutive days.
- (18) "Potable" means suitable for drinking.
- (19) "Properly cleaned" means the removal of carcasses, debris, food waste, excrement, urine, dirty or soiled accessories and other organic material with adequate frequency.
- (20) "Social interaction" means friendly physical contact or play between animals of the same species or with a person. Physical contact or play with the caretaker during cage cleaning and/or sanitation is not considered social interaction.
- (21) "Special provisions" means additional procedures, protocols, and/or equipment used when caring for, housing and/or transporting animals with special needs. Examples of animals with "special needs" include, but are not limited to, brachycephalic breeds, very young or old animals, animals with a medical condition, infirm animals, and/or animals that are compromised or debilitated.
- (22) "Suitable method of drainage" means drainage that allows for the elimination of water and waste products, prevents contamination of animals, allows animals to remain dry, and complies with applicable building codes and local ordinances.
- (23) "Supervision " means at least one person (at least 16 years of age) present, at all times, able to constantly, directly view all animals within the entirety of each enclosure or exercise area.
- (24) "Surgical procedure" for the purposes of this section means any invasive procedure performed on an animal to include, but not be limited to: procedures to spay or neuter, any procedure that invades a body cavity and/or requires suturing or repairing of tissues; and/or any treatment of injuries or disorders of the body by incision, manipulation or alteration of organs or tissues with the hands or with instruments. For the purposes of this section, insertion of a microchip is not considered to be a surgical procedure.

Authority S.L. 2023-63.

21 NCAC 66 .1004 LICENSES AND REGISTRATIONS

All operators of a boarding kennels, as defined in G.S. 90-181(b)(1a), shall have a valid veterinary facility permit and a valid boarding kennel permit.

- (1) Veterinary facility permits are not transferable.
- (2) Boarding kennel permits shall be submitted with veterinary facility permit applications or if adding a boarding kennel then by completion of a boarding kennel application permit. The content of the applications shall include the following:
 - (a) the name, physical address, phone number, email address and mailing address for the veterinary facility permit;
 - (b) the name, address, phone number, and email address for the owner of the facility;
 - (c) the hours and days the facility is open to the public;
 - (d) the cleaning hours of the facility;
 - (e) the number of enclosures and the maximum number of animals on site;
 - (f) the description of the facility's program of veterinary care ('PVC') including the disinfection protocols; vaccination protocols including rabies vaccination; the isolation of ill or injured animals; the sale/adoption/transfer of animals; and the provision of routine, emergency and after hours veterinary care;
 - (g) statement of presence of an emergency disaster plan for the facility; and
 - (h) statement of agreement by the owner or authorized agent of the accuracy of the information contained in the application; of the willingness to comply with the rules of this section and to cooperate as required by law with the Board inspections and investigations; acknowledgement of authority to execute the application; and agreement to notify the Board of any significant change in the operation of the facility.

Authority S.L. 2023-63.

SECTION .1100 - FACILITIES AND OPERATING STANDARDS

21 NCAC 66 .1101 GENERAL

(a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.

(b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way that animals do not have access to them.

(c) Facilities shall have adequate electric power.

(d) Storage of food and bedding:

- (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such supplies against infestation or contamination by vermin and insects;
- (2) all open bags of food and edible treats shall be stored in airtight containers with lids;
- (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;
- (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately from soiled laundry and materials; and stored separately from general housing areas for animals; and
- (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.

(e) The facility shall provide for the daily removal and disposal of animal and food waste, soiled bedding and debris from the facility in accordance with local ordinances, to assure the facility will be maintained in a clean and sanitary manner.

(f) Hot and cold running, potable water must be available. Facilities such as a washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.

(g) Each facility shall have the ability to confirm ambient temperature. A functional room thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.

(h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.

(i) An adequate drainage system must be provided for the facility.

(j) All areas of a facility are subject to review or inspection by the Board or its authorized representative during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).

(k) All animals in a facility are subject to the requirements of this section, regardless of ownership.

(l) A facility shall comply with all federal, state, and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.

(m) All persons of the facility shall be truthful with the Board during all phases of inspections or investigations.

(n) Neither an applicant for a permit or any agent of a facility may abuse, harass, delay, or obstruct any inspector or State official while inspectors or officials are attempting to discharge their official duties. For the purposes of this Rule, the following definitions apply:

(1) "Abuse" means:

- (A) Communicating a threat as defined by G.S. 14-277.1;
- (B) Using profane, indecent, or threatening language to any person over the telephone, annoying or harassing by repeated telephoning or making false statements over the telephone as defined by G.S. 14-196;
- (C) Cyberstalking as defined by G.S. 14-196.3;
- (D) Stalking as defined by G.S. 14-277.3A; and/or
- (E) Disorderly conduct as defined by G.S. 14-288.4.

(2) "Harass" means knowingly conduct, including oral, written, or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, page messages or transmissions, answering machine or voice mail messages or transmissions, electronic mail messages, or other computerized or electronic transmissions directed at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate purpose.

(o) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.

(p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences, as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific written consent of the owner of that animal.

(q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

(r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or evacuation of animals in the event of a natural or manmade disaster.

Authority S.L. 2023-63.

21 NCAC 66 .1102 INDOOR FACILITIES

(a) Heating and cooling of indoor facilities:

- (1) indoor facilities for dogs and cats shall be adequately heated and cooled to protect the dogs and cats from cold and heat and provide for their health and comfort;
- (2) the ambient temperature shall not be allowed to fall below 50 degrees F or exceed 85 degrees F; and
- (3) special provisions shall be provided to any animal that cannot maintain its normal body temperature. These special provisions shall be sufficient for the animal to maintain its normal

body temperature and shall be documented in the animal's record.

(b) Ventilation of indoor facilities:

- (1) indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times; the facilities shall be provided with fresh air either by means of windows, doors, vents and/or air conditioning and shall be ventilated so as to minimize drafts;
- (2) air vents and/or air filters shall be cleaned and/or changed as often as necessary to minimize buildup of debris, dust and biological material and as often as necessary to prevent inhibition or restriction of air flow; and
- (3) air flow shall be adequate to minimize odors and moisture condensation.

(c) Indoor housing facilities for dogs and cats shall have sufficient illumination to permit routine inspections, maintenance, cleaning and housekeeping of the facility and observation of the animals. Illumination shall provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities.

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

(e) Drainage of indoor housing facility:

- (1) a suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor housing facility;
- (2) if closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of sewage; and
- (3) the drainage system shall be constructed with barriers adequate to protect the animals from cross-contamination with urine and fecal material from animals housed in adjacent and/or nearby enclosures and/or exercise areas.

Authority S.L. 2023-63.

21 NCAC 66 .1103 OUTDOOR FACILITIES

(a) In outdoor facilities that are subject to this section, primary enclosures, common areas and walkways with which an animal comes in contact:

- (1) shall have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;
- (2) may use gravel for groundcover so long as it is maintained at a minimum depth of six inches and maintained in a sanitary manner as prescribed in Rule .1107 of this Subchapter.

(b) Exercise areas of outdoor facilities:

- (1) shall have flooring or groundcover constructed of sealed concrete or other surfaces impervious to moisture; and/or
- (2) use gravel for groundcover so long as it is maintained at a minimum depth of six inches and kept in a sanitary manner; and/or

(3) artificial turf may be allowed so long as it is adequately maintained in good repair, is replaced when damaged, and is cleaned and sanitized in accordance with 21 NCAC 66 .1107; and/or

(4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass covered area(s) must be kept properly cleaned and sanitized as prescribed in Rule .1107 of this section. In the event of a contagious disease outbreak, the sanitation, management, and use of the grass area shall be addressed in the veterinarian's written protocol required by 21 NCAC 66 .1109 (b) and (c).

(c) Sand and organic materials such as mulch, pine straw, or other similar non-approved material shall not be used as ground cover in primary enclosures, common areas, exercise areas and/or walkways.

(d) Dogs and cats in outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather:

- (1) housing shall be constructed of material which is impervious to moisture and which can be cleaned and sanitized in accordance with 21 NCAC 66 .1107;
- (2) one house shall be available for each animal within each primary enclosure. The house(s) shall be of adequate size for the animal housed in the enclosure. In the case of a mother and her unweaned offspring, one house of adequate size to comfortably house the mother and all the offspring together must be provided;
- (3) housing structures in outdoor facilities must contain clean, dry bedding or a heat source when the temperature falls below 32 degrees F; special provisions shall be provided to any animal that cannot maintain its normal body temperature when housed outside. These special provisions shall be adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record. If the animal cannot maintain its normal body temperature even with special provisions, then that animal shall not be housed outside. No infirm animal may be housed outdoors; and
- (4) in addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.
- (5) in addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.

(e) Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the sun. This protection shall be sufficient to protect all animals simultaneously in the exercise area. If an animal cannot maintain its normal body temperature in an outdoor exercise area, the animal shall not be placed in an outside exercise area.

(f) Outdoor common areas used for play, enrichment and elimination shall be maintained in good repair and be properly cleaned and sanitized as set forth in 21 NCAC 66 .1107 to protect the animals from injury and/or illness.

(g) Animal owners shall be advised at the time of reservation and admission at a boarding kennel if the animal will be kept in outside facilities. This shall be documented in the animal's record.
(h) A suitable method of drainage shall be provided so that water is adequately drained from the primary enclosures, common areas, exercise areas and walkways and so that the animal(s) does/do not have access to standing water.

Authority S.L. 2023-63.

21 NCAC 66 .1104 PRIMARY ENCLOSURES

(a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture excluding the ground cover options of gravel and grass allowed for in Rule .1103 of this Section.

(b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.

(c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out.

(d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, and to stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure or the sides or top covering of the enclosure.

(e) Exercise areas shall be constructed to provide adequate space to allow each dog or cat to run and express natural play behaviors typical of the species.

(f) The height of a primary enclosure or an exercise area other than a cage shall be no less than five feet tall.

(g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.

(h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces shall be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(i) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in square inches ÷ 144 = required floor space in square feet. The calculation shall be expressed in square feet.

(j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without supervision. Dogs younger than six months of age shall not be housed or confined or comingled with adult dogs other than their dams

without supervision; this includes any animals owned by the staff or operator of the facility.

(k) If more than four dogs including animals owned by the staff or operator of the facility are housed or confined in an exercise area or primary enclosure, then there shall be at least one person constantly supervising each 10 dogs housed or confined within each primary enclosure or exercise area. This supervision shall be conducted from within the exercise area or primary enclosure such that the person(s) has/have immediate access to the animals in the event of an emergency, aggression or fight between animals.

(l) Pregnant dogs and cats shall be housed singly in a primary enclosure. Nursing dogs and cats shall be housed only with their litter in a primary enclosure until the litter has been weaned. The primary enclosure shall be of sufficient size to allow the dam and all animals in the litter to walk, turn about freely, nurse, and to easily stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure, the sides, or top covering of the enclosure and to leave the whelping/queening area for exercise.

(m) In addition to Paragraphs (d), (e) and (h) of this Rule, each feline older than six months housed in any primary enclosure or exercise area shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet.

(n) Not more than 12 cats shall be housed or confined in the same primary enclosure or exercise area.

(o) In all cat primary enclosures and exercise areas, a clean receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required for each primary enclosure and exercise area.

(p) Pools in primary enclosures and/or exercise areas:

- (1) Whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool area, an ingress-egress area shall be provided;
- (2) No dog shall have access to the pool or pool area other than a typical kiddie wading pool without supervision;
- (3) Facilities shall be constructed, maintained, and managed to protect animals from illness, injury, and death resulting from access to pools or pool areas;
- (4) Pools with a capacity of less than 100 gallons shall have the water changed and be cleaned and sanitized daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured filtration and cleaning systems installed and the manufacturer recommendations followed for cleaning, sanitation and water quality; and
- (5) Typical kiddie wading pools are to be considered accessories for the purposes of cleaning, sanitation, repair and maintenance.

Authority S.L. 2023-63.

21 NCAC 66 .1105 FEEDING

(a) Adult dogs and cats and puppies and kittens older than six months shall be fed at least once each 24-hour period.

(b) Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour interval between feedings is required if only two feedings are offered in a 24-hour period.

(c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of this Rule for a specific animal, documentation of such veterinary care is required and shall include:

- (1) the original veterinary directive signed by the veterinarian issuing it;
- (2) the printed name of the veterinarian;
- (3) the reason for the restriction;
- (4) the specific feeding directions;
- (5) the origination and review dates of the directive;
- (6) the facility shall have the veterinarian review and renew the directive every 30 days until it is no longer required;
- (7) the date of the cessation of the directive; and
- (8) documentation by the facility of each feeding as prescribed by the veterinarian.

(d) Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner.

(e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.

(f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste.

(g) For every adult animal, there shall be at least one food receptacle offered. When multiple animals are housed together, caretakers shall observe each animal feeding to ensure that each animal receives adequate feed.

(h) Food receptacles shall be durable and shall be kept clean and sanitized.

(i) Uneaten food within food receptacles shall be discarded within 24 hours or sooner if spoiled or contaminated.

(j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but shall be discarded after each feeding.

(k) Food and water receptacles in outdoor facilities shall be protected from the elements.

(l) This Rule is applicable only to animals identified within this section.

Authority S.L. 2023-63.

21 NCAC 66 .1106 WATERING

(a) Animals shall have continuous access to fresh, potable water, except as might otherwise be required to provide adequate veterinary care.

(b) Veterinary care for a specific animal that requires water to be withheld, given in intervals, or any variation other than continuous access by an animal can only be prescribed by a veterinarian and shall be documented in writing by the facility. The documentation shall include:

- (1) the original veterinary directive signed by the veterinarian issuing it;
- (2) the printed name of the veterinarian;
- (3) the reason for the restriction;
- (4) the specific watering directions;
- (5) the origination and review dates of the directive;
- (6) the facility shall have the veterinarian review and renew this directive every 30 days until it is no longer required;
- (7) the date of the cessation of the directive; and
- (8) documentation by the facility of each watering as prescribed by the veterinarian.

(c) Water in receptacles shall be changed daily and whenever visibly soiled.

(d) Watering receptacles shall be durable and kept clean and sanitized.

(e) Damaged receptacles shall be replaced.

Authority S.L. 2023-63.

21 NCAC 66 .1107 SANITATION

(a) Waste shall be removed from primary enclosures, exercise areas and common areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats shall be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris.

(b) When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in clean enclosures from being contaminated with water and other wastes.

(c) Cross contamination barriers shall be in place in primary enclosures and be sufficient to prevent feces, urine and cleaning waste water from entering another occupied primary enclosure.

(d) Sanitation shall be as follows:

- (1) prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (d)(3) of this Rule;
- (2) in addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule if the same animal is housed in the same enclosure for seven or more days;
- (3) primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall be sanitized by:
 - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
 - (B) removal of visible organic matter, precleaning all soiled surfaces with a detergent or degreaser solution.

followed by the application, at the correct concentration, of an animal-safe disinfectant labeled to be effective against common pathogens. The disinfectant is to be left on the surfaces for the time indicated by the manufacturer. After such time, all surfaces shall be thoroughly rinsed to remove all residual chemicals and then the area dried prior to returning the animal(s) to this area; or

(C) cleaning all soiled surfaces with live steam. The area is to be cooled and dried prior to the return of the animal(s).

(4) common areas, any area accessible to multiple animals and exercise areas not covered by 21 NCAC 66 .1107(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;

(5) food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The disinfectant shall be used consistent with the manufacturer's directions;

(6) soiled linens and cloth products shall be mechanically washed with detergent and sanitized;

(7) any area accessible to multiple animals shall be kept clean and sanitary; and

(8) fans, including floor fans, ceiling fans, wall fans, vent fans, etc. shall be kept clean of accumulated debris, dust and biological material.

(e) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

(f) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

Authority S.L. 2023-63.

21 NCAC 66 .1108 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible groups, with the following additional restrictions:

(1) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with intact or neutered males, except for

planned breeding purposes. Breeding shall not be allowed in animal shelters.

(2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.

(3) Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure. Housing of aggressive animals shall be such that the animals are prevented from biting or injuring another animal or human.

(4) Puppies or kittens less than six months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between four and 16 weeks of age shall have daily access to human social interaction in addition to the human interaction during the cleaning and sanitation of the enclosures, excluding animals which pose a danger to humans or other animals.

(5) Dogs shall not be housed in the same primary enclosure or exercise areas with cats, nor shall dogs or cats be housed in the same primary enclosure or exercise areas with any other species of animals. Exceptions are allowed at boarding kennels, if requested in writing by the animals' owner.

(6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment and supplies used in isolation areas shall not be used in other areas of the facility.

(7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:

- (a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; and
- (b) Exemptions from these long-term care provisions are allowed only for safety or health reasons and must be approved by a veterinarian. This exemption must be reviewed and renewed every 30 days if the continuation is necessary. Documentation of the exemption must include the reason for the exemption, the name and contact information of the veterinarian authorizing the exemption, the original exemption date and the dates of review and renewal and alternative(s) offered if any.
- (8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this Subchapter before an animal can be confined in the enclosure or area.

Authority S.L. 2023-63.

21 NCAC 66 .1109 VETERINARY CARE

(a) A written program of veterinary care ('PVC') to include disease control and prevention, vaccination, euthanasia, disposition of diseased, ill, injured, infirm or deformed animals, and provision of adequate routine and emergency veterinary care shall be established by the owner and supervising veterinarian. The following is required of each PVC:

- (1) The PVC for boarding kennels shall be submitted as part of the application and must be approved by the Board;
- (2) The facility shall implement and follow the PVC; and
- (3) Changes to the PVC shall be submitted for approval to the Board within 10 days of the effective date.

(b) If there is an infectious disease outbreak that persists for more than seven days at the facility, the facility owner shall consult with a veterinarian for procedures to mitigate the problem. This consultation shall be documented by the facility.

(c) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem. These recommendations shall include, at a minimum: sanitation of primary enclosures, common areas, exercise areas and accessories, and protocols for animal intake, evaluation, isolation, disease recognition and treatment and euthanasia.

(d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained or is experienced in animal care or is under the direct supervision of a person who has

such training or experience. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with adequate veterinary care in a timely manner or be euthanized, provided that the euthanasia shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If an animal cannot be euthanized due to a required holding period, then adequate veterinary care shall be provided to the animal.

(e) Full written disclosure of the medical condition of the animal and all veterinary medical treatments provided to the animal shall be provided to the person or organization receiving, adopting, purchasing or otherwise acquiring the animal. Proof of written disclosure signed by the person or organization receiving the animal shall be maintained as part of the animal's medical record.

(f) All animals in a facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6.

(g) Boarding kennels shall not administer a prescription medication, tranquilizer, sedative, or any pharmaceutical drug designed to calm an animal unless the medication or drug is administered under the direction of or by prescription from the animal's veterinarian, and written permission from the animal's owner. In the event a boarding kennel agrees to administer such medications or substances, the medications shall be in the original container issued by the veterinarian or pharmacy and administered according to label directions. The administration of these medications or substances shall be documented as required by 21 NCAC 66 .1001.

Authority S.L. 2023-63.

21 NCAC 66 .1110 DISCIPLINE OF BOARDING KENNEL PERMITS

(a) The Board shall investigate any complaint within its jurisdiction. The investigation and any resulting hearings shall be conducted pursuant to Sections .0600 and .0700 of the Chapter. Following an investigation and the boarding kennel permittee's opportunity to be heard, the Board may:

- (1) revoke or suspend a boarding kennel permit issued under this Chapter;
- (2) discipline the boarding kennel permittee permitted under this Chapter in accordance with the disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
- (3) deny a boarding kennel permit required by G.S. 90-186(8) and the rules of this Chapter based on violations of Board Rules including but not limited to Rules .1000 - .1009 of this Chapter.

For the purpose of this Rule, references to licensee or registrant in the provisions of Sections .0600 and .0700 of this Chapter are treated as references to owner and permittee. References to license are treated as references to boarding kennel permit.

(b) The Board may suspend, revoke, or deny issuance of a boarding kennel permit, without hearing, if:

- (1) A veterinary facility has not had a supervising veterinarian or an interim supervising veterinarian serving in that capacity for more than five business days.
- (2) The Board obtains a summary emergency order pursuant to the provisions of G.S. 90-186(3).

(3) The owners of the veterinary facility have failed to notify the Board after 10 business days of a change in ownership of the facility or change in the supervising veterinarian.

(c) A boarding kennel permittee shall cease to operate a veterinary facility as of the date the Board notifies the boarding kennel permittee of the revocation of his or her boarding kennel permit. Within 24 hours of receiving notification of revocation, a boarding kennel permittee shall display the following information at the boarding kennel and through any existing medium of

communication with the public, such as social media, a telephone answering system, or boarding kennel website:

- (1) information that the boarding kennel is closed;
- (2) the means by which clients may obtain their animal's medical records; and
- (3) notice of the Board's revocation of the boarding kennel permit.

Authority S.L. 2023-63.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on February 28, 2024.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

STATE BUDGET AND MANAGEMENT, OFFICE OF

<u>Purpose</u>	09 NCAC 03M .0101	38:08 NCR
<u>Definitions</u>	09 NCAC 03M .0102*	38:08 NCR
<u>Allowable Uses of Grants</u>	09 NCAC 03M .0201*	38:08 NCR
<u>Minimum Reporting Requirements for Recipients and Subreci...</u>	09 NCAC 03M .0205*	38:08 NCR
<u>Agency Responsibilities</u>	09 NCAC 03M .0401*	38:08 NCR
<u>Office of State Budget and Management Responsibilities</u>	09 NCAC 03M .0601*	38:08 NCR
<u>Required Contract Provisions</u>	09 NCAC 03M .0703*	38:08 NCR
<u>Noncompliance with Rules</u>	09 NCAC 03M .0801*	38:08 NCR
<u>Recovery of State Funds</u>	09 NCAC 03M .0802*	38:08 NCR

ALARM SYSTEMS LICENSING BOARD

<u>Required Continuing Education Hours</u>	14B NCAC 17 .0502*	38:05 NCR
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SECRETARY OF STATE, DEPARTMENT OF THE

<u>Scope</u>	18 NCAC 07B .0101*	38:09 NCR
<u>Definitions</u>	18 NCAC 07B .0102*	38:09 NCR
<u>Operating Hours and General Contact Information</u>	18 NCAC 07B .0103*	38:09 NCR
<u>ADA Accommodations</u>	18 NCAC 07B .0104*	38:09 NCR
<u>Obtaining Requested Information</u>	18 NCAC 07B .0105*	38:09 NCR
<u>Waiver</u>	18 NCAC 07B .0106	38:09 NCR
<u>Contents of Waiver Request</u>	18 NCAC 07B .0107*	38:09 NCR
<u>Factors Used in Considering Waiver Requests</u>	18 NCAC 07B .0108*	38:09 NCR
<u>Computation of Time Periods</u>	18 NCAC 07B .0109*	38:09 NCR
<u>Request to Department for Confidential Information</u>	18 NCAC 07B .0110*	38:09 NCR
<u>Initial Application for Notary Commission Form</u>	18 NCAC 07B .0407*	38:09 NCR
<u>Affidavit of Moral Character</u>	18 NCAC 07B .0408	38:09 NCR
<u>Application for Recommissioning as Notary Public</u>	18 NCAC 07B .0409*	38:09 NCR
<u>Notice of Changes Required by 18 NCAC 07D .0301</u>	18 NCAC 07B .0410*	38:09 NCR
<u>Notice of Changes Regarding Criminal History Record</u>	18 NCAC 07B .0411*	38:09 NCR
<u>Notice of Changes Regarding Professional Licenses, Notary...</u>	18 NCAC 07B .0412*	38:09 NCR
<u>Notice of Changes Regarding Findings or Admissions of Dec...</u>	18 NCAC 07B .0413*	38:09 NCR
<u>Application for Certification as Notary Instructor</u>	18 NCAC 07B .0414*	38:09 NCR
<u>Recommendation of Notary Instructor Applicant</u>	18 NCAC 07B .0415*	38:09 NCR
<u>Employer Affidavit Regarding Instructor Applicant Active ...</u>	18 NCAC 07B .0416*	38:09 NCR
<u>Student Evaluation of Notary Instructor Form</u>	18 NCAC 07B .0417	38:09 NCR
<u>Application for Recertification as Notary Instructor</u>	18 NCAC 07B .0418*	38:09 NCR
<u>Crimes</u>	18 NCAC 07B .0501*	38:09 NCR
<u>Additional Requirements for an Individual Listing Convict...</u>	18 NCAC 07B .0502*	38:09 NCR
<u>Explanation of Convictions</u>	18 NCAC 07B .0503*	38:09 NCR
<u>Additional Documentation for Convictions</u>	18 NCAC 07B .0504	38:09 NCR

APPROVED RULES

<u>Requirements for Individual with Pending Criminal Charges</u>	18 NCAC 07B .0505*	38:09 NCR
<u>Notice to Department of Disposition of Pending Charge</u>	18 NCAC 07B .0506*	38:09 NCR
<u>Factors for Disciplinary Actions</u>	18 NCAC 07B .0601*	38:09 NCR
<u>Denials</u>	18 NCAC 07B .0602*	38:09 NCR
<u>Levels of Enforcement</u>	18 NCAC 07B .0603*	38:09 NCR
<u>Letter of Caution</u>	18 NCAC 07B .0604*	38:09 NCR
<u>Warning</u>	18 NCAC 07B .0605*	38:09 NCR
<u>Suspension</u>	18 NCAC 07B .0606*	38:09 NCR
<u>Restriction</u>	18 NCAC 07B .0607*	38:09 NCR
<u>Mandatory Revocation</u>	18 NCAC 07B .0608*	38:09 NCR
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<u>Requirements Regarding Professional Licenses and Notarial...</u>	18 NCAC 07B .0702*	38:09 NCR
<u>Disciplinary Action Involving a Professional License or N...</u>	18 NCAC 07B .0703*	38:09 NCR
<u>Public Offices</u>	18 NCAC 07B .0704	38:09 NCR
<u>Denials of Public Offices</u>	18 NCAC 07B .0705	38:09 NCR
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<u>Disciplinary Action Involving a Public Office</u>	18 NCAC 07B .0707	38:09 NCR
<u>Scope</u>	18 NCAC 07C .0101*	38:09 NCR
<u>Definitions Related to Application and Recommissioning Pr...</u>	18 NCAC 07C .0102	38:09 NCR
<u>Initial Application</u>	18 NCAC 07C .0201*	38:09 NCR
<u>Timing</u>	18 NCAC 07C .0202*	38:09 NCR
<u>Requirements for Applicants Residing Outside North Carolina</u>	18 NCAC 07C .0203*	38:09 NCR
<u>Additional Requirements for Applicants Listing Convictions</u>	18 NCAC 07C .0204*	38:09 NCR
<u>Requirements for Applicant with Pending Criminal Charges</u>	18 NCAC 07C .0205	38:09 NCR
<u>Requirements for Applicants Regarding Professional Licens...</u>	18 NCAC 07C .0206*	38:09 NCR
<u>Findings or Admissions of Liability Based on the Applican...</u>	18 NCAC 07C .0207*	38:09 NCR
<u>Findings that the Applicant Engaged in Official Misconduct</u>	18 NCAC 07C .0208*	38:09 NCR
<u>Findings of Unauthorized Practice of Law</u>	18 NCAC 07C .0209*	38:09 NCR
<u>Finding of False or Misleading Advertising</u>	18 NCAC 07C .0210*	38:09 NCR
<u>Courses Taught by Certified Notary Instructors</u>	18 NCAC 07C .0301*	38:09 NCR
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<u>Satisfactory Evidence Presented to Instructor</u>	18 NCAC 07C .0304	38:09 NCR
<u>Retesting</u>	18 NCAC 07C .0305*	38:09 NCR
<u>Appointment</u>	18 NCAC 07C .0401*	38:09 NCR
<u>Issuance of Certificates</u>	18 NCAC 07C .0402*	38:09 NCR
<u>Notice to Appointee</u>	18 NCAC 07C .0403	38:09 NCR
<u>Commission Certificate</u>	18 NCAC 07C .0404	38:09 NCR
<u>Satisfactory Evidence of Identity</u>	18 NCAC 07C .0405	38:09 NCR
<u>Register of Deeds</u>	18 NCAC 07C .0406*	38:09 NCR
<u>Performing Traditional Notarial Acts</u>	18 NCAC 07C .0407*	38:09 NCR
<u>Term of Commission</u>	18 NCAC 07C .0409*	38:09 NCR
<u>Term of Reappointment Commission</u>	18 NCAC 07C .0410*	38:09 NCR
<u>Notarial Acts Prohibited During Gaps Between Commission T...</u>	18 NCAC 07C .0411*	38:09 NCR
<u>Late Application</u>	18 NCAC 07C .0502*	38:09 NCR
<u>Application After Recommissioning Denial Based on Failing...</u>	18 NCAC 07C .0504*	38:09 NCR
<u>Application for Recommissioning within 12 months of Commi...</u>	18 NCAC 07C .0505*	38:09 NCR
<u>Recommissioning Educational Requirement</u>	18 NCAC 07C .0506*	38:09 NCR

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<u>Rescind Cancellation of Certificate of Appointment</u>	18 NCAC 07C .0509*	38:09 NCR
<u>Confirmation of Notary Status</u>	18 NCAC 07C .0510	38:09 NCR
<u>Application Steps for Recommissioning</u>	18 NCAC 07C .0601*	38:09 NCR
<u>Method of Taking Recommissioning Exam</u>	18 NCAC 07C .0602	38:09 NCR
<u>Course as Alternative to Recommissioning Exam</u>	18 NCAC 07C .0603*	38:09 NCR
<u>Exam Length and Passing Score</u>	18 NCAC 07C .0604*	38:09 NCR
<u>Retaking Recommissioning Exam after Failure</u>	18 NCAC 07C .0605	38:09 NCR
<u>Failure to Pass Exam within 30 Days</u>	18 NCAC 07C .0606*	38:09 NCR
<u>Individual Who Fails to Seek Recommissioning within One Year</u>	18 NCAC 07C .0607*	38:09 NCR
<u>Attorney Application for Initial Appointment</u>	18 NCAC 07C .0701*	38:09 NCR
<u>Recommissioning of Attorney Notaries</u>	18 NCAC 07C .0702*	38:09 NCR
<u>Attorneys who Fail to Take Notarial Oath Timely</u>	18 NCAC 07C .0703*	38:09 NCR
<u>Attorneys Seeking Registration or Reregistration as Elect... Scope</u>	18 NCAC 07C .0704*	38:09 NCR
<u>Response to Department Requests</u>	18 NCAC 07D .0101*	38:09 NCR
<u>Extension Request to Department</u>	18 NCAC 07D .0102*	38:09 NCR
<u>Department Response to Extension Request</u>	18 NCAC 07D .0103*	38:09 NCR
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<u>Notice to Department of Pending Criminal Charges</u>	18 NCAC 07D .0301*	38:09 NCR
<u>Notice to Department of Criminal Charge Disposition</u>	18 NCAC 07D .0302*	38:09 NCR
<u>Notice to Department of Criminal Charge Disposition</u>	18 NCAC 07D .0303*	38:09 NCR
<u>Notice to Department of Findings or Admissions of Deceit</u>	18 NCAC 07D .0304*	38:09 NCR
<u>Notice to Department of Changes to Professional License, ...</u>	18 NCAC 07D .0305*	38:09 NCR
<u>Notice to Department of Official Misconduct</u>	18 NCAC 07D .0306*	38:09 NCR
<u>Notice to Department of False or Misleading Advertising</u>	18 NCAC 07D .0307*	38:09 NCR
<u>Notice to Department Regarding Unauthorized Practice of Law</u>	18 NCAC 07D .0308*	38:09 NCR
<u>Instructor Certification - Scope and Definitions</u>	18 NCAC 07E .0101	38:09 NCR
<u>Conditions for Becoming Notary Instructor</u>	18 NCAC 07E .0102*	38:09 NCR
<u>Nomination by Eligible Institution</u>	18 NCAC 07E .0103*	38:09 NCR
<u>Exemption and Failure to Pay</u>	18 NCAC 07E .0104*	38:09 NCR
<u>General Requirements</u>	18 NCAC 07E .0105*	38:09 NCR
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<u>Department Rejections of Applications</u>	18 NCAC 07E .0107	38:09 NCR
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<u>Journal as Evidence of Active Experience</u>	18 NCAC 07E .0202*	38:09 NCR
<u>Minimum Contents of Notary Journal Submitted as Evidence ...</u>	18 NCAC 07E .0204*	38:09 NCR
<u>Employer Affidavit as Evidence of Experience</u>	18 NCAC 07E .0205*	38:09 NCR
<u>Employer Affidavit Regarding Notarial Acts for Employer</u>	18 NCAC 07E .0206	38:09 NCR
<u>Employer Affidavit May Include Recommendation</u>	18 NCAC 07E .0207*	38:09 NCR
<u>Submittal of Employer Affidavit as Evidence of Experience</u>	18 NCAC 07E .0209	38:09 NCR
<u>Alternative Affidavits as Evidence of Experience</u>	18 NCAC 07E .0212*	38:09 NCR
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<u>Instructor Course Requirement</u>	18 NCAC 07E .0301	38:09 NCR
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<u>Oral Presentation Requirement for Instructor Applicant</u>	18 NCAC 07E .0303*	38:09 NCR
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<u>Factors Relating to Verbal Skill</u>	18 NCAC 07E .0307	38:09 NCR
<u>Factors Relating to Physical Appearance and Mannerisms</u>	18 NCAC 07E .0308	38:09 NCR
<u>Factors Relating to Professional Qualities of the Instructor</u>	18 NCAC 07E .0309*	38:09 NCR
<u>Factors Relating to Selection and Use of Training Aids</u>	18 NCAC 07E .0310*	38:09 NCR
<u>Factors Relating to Sequence</u>	18 NCAC 07E .0311	38:09 NCR
<u>Factors Relating to Emphasis, Examples, and Summarization</u>	18 NCAC 07E .0312	38:09 NCR
<u>Retaking Written Certification or Recertification Exam</u>	18 NCAC 07E .0401	38:09 NCR
<u>Consequence of Failing to Pass Written Instructor Exam</u>	18 NCAC 07E .0402	38:09 NCR
<u>Scheduling Additional Oral Presentation Upon Failure+</u>	18 NCAC 07E .0403	38:09 NCR
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<u>Minimum Instructional Duties of Certified Notary Instructors</u>	18 NCAC 07E .0601	38:09 NCR
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<u>Proctoring Exam</u>	18 NCAC 07E .0603*	38:09 NCR
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<u>Response to Complaints</u>	18 NCAC 07E .0701*	38:09 NCR
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<u>Retesting Students Who Fail Notary Course Exam</u>	18 NCAC 07E .0903	38:09 NCR
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<u>Student Evaluations of Instructors</u>	18 NCAC 07E .1001	38:09 NCR
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<u>Ineligibility for Recertification as Notary Instructor</u>	18 NCAC 07E .1101*	38:09 NCR
<u>Notary Public Instructor Recertification Requirements</u>	18 NCAC 07E .1102	38:09 NCR
<u>Notary Instructor Certification Equivalence</u>	18 NCAC 07E .1103	38:09 NCR
<u>Notary Instructor Recertification Course Oral Presentation</u>	18 NCAC 07E .1104*	38:09 NCR
<u>Notary Instructor with Lapse in Certification</u>	18 NCAC 07E .1105*	38:09 NCR
<u>Application Denial - Failure to Notify Department of Changes</u>	18 NCAC 07E .1202*	38:09 NCR
<u>Application Denial - Termination for Cause</u>	18 NCAC 07E .1203*	38:09 NCR
<u>Application Denial - Failure to Submit Exam Grades</u>	18 NCAC 07E .1204*	38:09 NCR
<u>Application Denial - Disciplinary Action</u>	18 NCAC 07E .1205*	38:09 NCR

TITLE 09 - OFFICE OF THE GOVERNOR AND LT. GOVERNOR

09 NCAC 03M .0101 PURPOSE

Pursuant to G.S. 143C-6-23, the rules in this Subchapter establish reporting requirements for non-State entities that receive, hold, use, or expend grants and ensure the uniform administration of grant funds by all State agencies, recipients, and subrecipients. The requirements of this subchapter shall not apply to:

- (1) Grants to non-State entities subject to the audit and other reporting requirements of the Local Government Commission.
- (2) Tuition assistance to students.
- (3) Public assistance payments from Federal entitlement programs to or on behalf of enrolled individuals.
- (4) State funds disbursed to a contractor as defined in this Subchapter.

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Amended Eff. October 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015; Amended Eff. July 1, 2024; July 1, 2016.

09 NCAC 03M .0102 DEFINITIONS

In addition to the definitions set forth in G.S. 143C-6-23 and G.S. 143C-1-1, the following definitions shall apply to this Subchapter:

- (1) "Agency" means every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority, or other unit of government of the State or of any county, unit, special district, or other political subdivision of state or local government.
- (2) "Audit" means an examination of records or financial accounts to verify their accuracy.
- (3) "Beneficiary" means an individual receiving the funds or assistance as the end user.
- (4) "Compliance Supplement" refers to the North Carolina State Compliance Supplement, maintained by the State and Local Government Finance Division of the North Carolina Department of State Treasurer that has been developed in cooperation with agencies to assist the local auditor in identifying program compliance requirements and audit procedures for testing those requirements.
- (5) "Contract" means a legal instrument including any amendments used to document a relationship between the agency and a recipient or between a recipient and subrecipient.
- (6) "Contractor" means an entity subject to the contractor requirements, as well as any entity that would be subject to the contractor requirements but for a specific statute or rule exempting that entity from the contractor requirements.

- (7) "Contractor requirements" means Article 3, 3C, 3D, 3E, 3G, or 8 of Chapter 143 of the General Statutes and related rules.
- (8) "Fiscal Year" means the annual operating year of the non-State entity.
- (9) "Financial Statement" means a report providing financial data relative to a given part of an organization's operations or status.
- (10) "Grants" or "Grant funds" means State funds disbursed as a grant, cooperative agreement, non-cash contribution, food commodities, or direct appropriation, to a recipient or subrecipient as defined in this Rule.
- (11) "Monitoring plan" means a documented system of educating, reviewing, tracking, and reporting on the use of grant funds. Designed to assure that public funds are spent in compliance with applicable rules and statutes, and that performance expectations are being achieved.
- (12) "Non-State Entity" has the meaning in G.S. 143C-1-1(d)(18).
- (13) "Program-specific audit" means an audit that includes an examination of financial statements, internal controls, and compliance with the requirements and contract clauses for an individual State award.
- (14) "Recipient" means a non-State entity that receives grants directly from a State agency to carry out part of a State program, but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. For purposes of this Subchapter, "recipient" also includes a non-State entity that would be considered a "subrecipient" pursuant to 2 CFR 200.93 for Federal funds subawarded by a recipient State agency, but does not include a subrecipient as defined in Item (17) of this Rule. 2 CFR 200.93 is herein incorporated by reference, including subsequent amendments and editions, and is available in electronic form free of charge at <https://www.ecfr.gov>.
- (15) "Single Audit" means an audit that includes an examination of an organization's financial statements, internal controls, and compliance with the requirements of Federal or State awards.
- (16) "State Funds" means any funds appropriated by the North Carolina General Assembly or collected by the State of North Carolina. State funds include federal financial assistance received by the State and transferred or disbursed to non-State entities. Both Federal and State funds maintain their identity as they are disbursed as financial assistance to other organizations.
- (17) "Subrecipient" means a non-State entity that receives grants from a recipient to carry out part of a State program; but does not include a

beneficiary of such program. This definition of "subrecipient" applies throughout these Rules, except as used in Item (14) of this Rule.

- (18) "Suspension of Funding list" means a database maintained and distributed by Office of State Budget and Management in consultation with State agencies designating grantees or subgrantees in a state of non-compliance with grant agreement requirements in accordance with 09 NCAC 03M .0801.

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Amended Eff. October 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015; Amended Eff. July 1, 2024; July 1, 2016.

09 NCAC 03M .0201 ALLOWABLE USES OF GRANTS

Expenditures of grants by any recipient or subrecipient shall be in accordance with the cost principles outlined in the Code of Federal Regulations, 2 CFR, Part 200. If the grants include federal sources, the recipient or subrecipient shall ensure adherence to the cost principles established in the Code of Federal Regulations, 2 CFR, Part 200. 2 CFR, Part 200 is herein incorporated by reference, including subsequent amendments and editions, and is available in electronic form free of charge at <https://www.ecfr.gov>.

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Readopted Eff. July 1, 2016; Amended Eff. July 1, 2024.

09 NCAC 03M .0205 MINIMUM REPORTING REQUIREMENTS FOR RECIPIENTS AND SUBRECIPIENTS

(a) For the purposes of this Subchapter, there are two reporting levels established for recipients and subrecipients receiving grants. Reporting levels are based on the allocated funds from all grants disbursed through the State of North Carolina. The reporting levels are:

- (1) Level I – A recipient or subrecipient that receives, holds, uses, or expends grants in an amount less than the dollar amount requiring audit as listed in the Code of Federal Regulations 2 CFR 200.501(a) within its fiscal year. The dollar amount requiring audit listed in 2 CFR 200.501(a) is herein incorporated by reference, including subsequent amendments and editions, and can be accessed free of charge at <https://www.ecfr.gov>.
- (2) Level II - A recipient or subrecipient that receives, holds, uses, or expends grants in an amount equal to or greater than the dollar amount requiring audit as listed in 2 CFR 200.501(a) within its fiscal year. The dollar amount requiring audit listed in 2 CFR

200.501(a) is herein incorporated by reference, including subsequent amendments and editions, and can be accessed free of charge at <https://www.ecfr.gov/>.

(b) Agencies shall require recipients to meet the following reporting standards on an annual basis:

- (1) All recipients and subrecipients shall provide to the distributing agency a certification that grants received or held were used for the purposes for which the grants were awarded.
- (2) All recipients and subrecipients shall provide an accounting to the distributing agency of all grants received, held, used, or expended.
- (3) All recipients and subrecipients shall report on activities and accomplishments undertaken by the recipient, including reporting on any performance measures established in the contract.
- (4) Level II recipients and subrecipients shall have a single or program-specific audit prepared and completed in accordance with Generally Accepted Government Auditing Standards, also known as the Yellow Book, which is herein incorporated by reference, including subsequent amendments and editions, and can be accessed free of charge at <https://www.gao.gov/yellowbook>.

(c) All reports shall be filed with the disbursing agency in the format and method specified by the agency no later than three months after the end of the recipient's fiscal year, unless the same information is already required through more frequent reporting. Audits shall be provided to the funding agency no later than nine months after the end of the recipient's fiscal year.

(d) Agency-established reporting requirements to meet the standards set forth in Paragraph (b) of this Rule shall be specified in each recipient's contract.

(e) Unless prohibited by law, the costs of audits made in accordance with the provisions of this Rule shall be allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in the Code of Federal Regulations, 2 CFR Part 200, which is herein incorporated by reference, including subsequent amendments and editions, and can be accessed free of charge at <https://www.ecfr.gov>. The cost of any audit not conducted in accordance with this Subchapter shall not be charged to State awards.

(f) Notwithstanding the provisions of this Subchapter, a recipient may satisfy the reporting requirements of Subparagraph (b)(4) of this Rule by submitting a copy of the report required under federal law with respect to the same funds.

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Readopted Eff. July 1, 2016; Amended Eff. July 1, 2024.

09 NCAC 03M .0401 AGENCY RESPONSIBILITIES

(a) An agency that receives State funds and disburses those funds as grant funds to a recipient shall:

- (1) Notify each recipient, at the time the grant award is made, of the purpose of the award and the reporting requirements established in this Subchapter.
- (2) Prior to disbursing any grant funds:
 - (A) Register each State assistance program with the Office of State Budget and Management using the NC Grants Management System which can be accessed at <https://www.osbm.nc.gov>. Information required to register includes program ID and description, program name, and funding year.
 - (B) Execute a contract with the recipient that complies with the requirements of this Subchapter.
 - (C) Report each individual award to the Office of State Budget and Management using the NC Grants Management System which can be accessed at <https://www.osbm.nc.gov>. Information required to report includes CRIS program ID, award date, completion date, award amount, and program name.
 - (D) Follow the procedures for disbursement of grant funds.
- (3) Develop compliance supplement reports that describe standards of compliance and audit procedures to give direction to independent auditors. This report shall be provided to the State and Local Government Finance Division in the North Carolina Department of State Treasurer for inclusion in the North Carolina State Compliance Supplement.
- (4) Develop a monitoring plan for each State assistance program the agency oversees and gain approval of the plan by the Office of State Budget and Management. Monitoring plans will be evaluated based on plan elements including programs covered, education and technical assistance, risk assessment framework, monitoring procedures, non-compliance procedures, and closeout of award procedures.
- (5) Perform monitoring and oversight functions as specified in agency monitoring plans to ensure that grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts, and that performance goals are achieved.
- (6) Ensure that grant funds are spent consistent with the purposes for which it was awarded.
- (7) Determine that reporting requirements have been met by the recipient and that all reports

- (8) have been completed and submitted in accordance with the recipient's contract.
 - (8) Monitor compliance by recipients with all terms of a contract. Upon determination of noncompliance the agency shall take action as specified in Section .0800 of this Subchapter.
 - (9) Require agency internal auditors to conduct periodic audits of agency compliance with requirements of this Subchapter.
 - (10) Provide all requested documentation when subject to an audit of compliance with the requirements of this Subchapter. Audits may be conducted by the Office of State Budget and Management, the Office of the State Auditor, or the agency's internal auditor.
 - (11) Notify the Office of State Budget and Management when a recipient is not compliant with the requirements set forth in this Subchapter or the terms of their contract such that the recipient should be added to the Suspension of Funding List and have the disbursement of funds to the recipient suspended in accordance with G.S. 143C-6-23(f). Agencies shall not disburse grant funds to a recipient on the Suspension of Funding List until that recipient comes back into compliance and is removed from the Suspension of Funding List.
 - (12) Notify the Office of State Budget and Management when to remove entities from the Suspension of Funding List.
- (b) Each recipient shall ensure that subrecipients have complied with the applicable provisions of this Subchapter. Failure to comply with such provisions shall be the basis for an audit exception.

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Readopted Eff. July 1, 2016; Amended Eff. July 1, 2024.

09 NCAC 03M .0601 OFFICE OF STATE BUDGET AND MANAGEMENT RESPONSIBILITIES

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Readopted Eff. July 1, 2016; Repealed Eff. July 1, 2024.

09 NCAC 03M .0703 REQUIRED CONTRACT PROVISIONS

Prior to receiving grant funds, the recipient shall sign a contract with the agency that shall contain the obligations of both parties. Prior to disbursing any grant funds, each agency shall sign a contract with the recipient requiring compliance with the rules in this Subchapter. The requirements of this Rule shall also be applicable to all recipient-subrecipient relationships. Each contract agreement shall contain:

- (1) A specification of the purpose of the award, services to be provided, objectives to be achieved, and expected results;
- (2) The source of funds (such as federal or state) must be identified, including the CFDA number and percentages of each source where applicable.
- (3) Account coding information sufficient to provide for tracking of the disbursement through the disbursing agency's accounting system.
- (4) Agreement to maintain all pertinent records for a period of five years or until all audit exceptions have been resolved, whichever is longer.
- (5) Names of all parties to the terms of the contract. For the recipient or subrecipient, each contract shall contain the employer/tax identification number, address, contact information, and the recipient's or subrecipient's fiscal year end date.
- (6) Signatures binding all parties to the terms of the contract.
- (7) Duration of the contract, including the effective and termination dates.
- (8) Amount of the contract and schedule of payment(s).
- (9) Particular duties of the recipient.
- (10) Required reports and reporting deadlines.
- (11) Provisions for termination by mutual consent with 60 days written notice to the other party, or as otherwise provided by law.
- (12) A provision that the awarding of grant funds is subject to allocation and appropriation of funds to the agency for the purposes set forth in the contract.
- (13) A provision that requires reversion of unexpended grant funds to the agency upon termination of the contract.
- (14) A provision that requires compliance with the requirements set forth in this Subchapter, including audit oversight by the Office of the State Auditor, access to the accounting records by both the funding entity and the Office of the State Auditor, and availability of audit work papers in the possession of any auditor of any recipient of State funding.
- (15) A clause addressing assignability and subcontracting, including the following:
 - (a) The recipient or subrecipient is not relieved of any of the duties and responsibilities of the original contract.
 - (b) The subrecipient agrees to abide by the standards contained in this Subchapter and to provide information in its possession that is needed by the recipient to comply with these standards.

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Readopted Eff. July 1, 2016; Amended Eff. July 1, 2024.

09 NCAC 03M .0801 NONCOMPLIANCE WITH RULES

- (a) An agency shall not disburse any grant funds to an entity that is on the Suspension of Funding list.
- (b) When a non-State entity does not comply with the requirements of this Subchapter, the agency shall take the following measures to ensure that the requirements are met, including:
 - (1) Communicating the requirements in writing to the non-State entity within 30 business days.
 - (2) Directing the non-State entity to respond in writing upon a determination of noncompliance.
 - (3) Suspending payments to the non-State entity until the non-State entity is in compliance.
- (c) When an agency discovers evidence of management deficiencies or criminal activity leading to the misuse of funds, the agency shall notify the Office of State Budget and Management and take the action or actions, such as:
 - (1) Suspend payments until the matter has been fully investigated and corrective action has been taken.
 - (2) Terminate the contract and retrieve unexpended funds or unauthorized expenditures.
 - (3) Report suspected violations of criminal statutes involving misuse of State property to the State Bureau of Investigation, in accordance with G.S. 143B-920.
- (d) Upon determination of noncompliance with requirements of the contract that are not indicative of management deficiencies or criminal activity, the agency shall give the recipient or subrecipient 60 days written notice to take corrective action. If the recipient or subrecipient has not taken the corrective action after the 60-day period, the disbursing agency shall notify the Office of State Budget and Management and take the action or actions, such as:
 - (1) Suspend payments pending negotiation of a plan of corrective action.
 - (2) Terminate the contract and take action to retrieve unexpended funds or unauthorized expenditures.
 - (3) Offset future payments with any amounts spent for purposes other than those described in the signed grant contract.
- (e) Each disbursing agency shall ensure that recipients and subrecipients have complied with the applicable provisions of this Subchapter.
- (f) Agencies are subject to audit for compliance with the requirements of this Subchapter by the Office of State Budget and Management, the Office of the State Auditor, and agency internal auditors. Any finding of noncompliance by an agency shall be reported to the Office of State Budget and Management to take appropriate action, as set forth in this Rule.

(g) The Office of State Budget and Management shall notify the agency of the finding and provide 60 days to take corrective action. After the 60-day period, the Office of State Budget and Management shall conduct a follow-up audit to determine if corrective action has been taken. If an awarding agency fails to take appropriate corrective action or is repeatedly found to be out of compliance with the requirements of this Subchapter, the Office of State Budget and Management shall notify the head of the agency and the State Auditor of the finding.

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Readopted Eff. July 1, 2016; Amended Eff. July 1, 2024.

09 NCAC 03M .0802 RECOVERY OF STATE FUNDS

(a) The disbursing agency shall take administrative action to recover grant funds in the event a recipient or subrecipient:

- (1) Is unable to fulfill the obligations of the contractual agreement;
- (2) Is unable to accomplish the purposes of the award as stated in the signed grant contract;
- (3) Is noncompliant with the reporting requirements as stated in the signed grant contract; or
- (4) Has used grant funds for purposes other than those described in the signed grant contract.

(b) The disbursing agency shall seek the assistance of the Attorney General in the recovery and return of grant funds if legal action is required.

(c) Any apparent violations of a criminal law or malfeasance, misfeasance, or nonfeasance in connection with the use of grant funds shall be reported by the agency to the Office of State Budget and Management, the Attorney General, and the State Bureau of Investigation.

History Note: Authority G.S. 143C-6-22; 143C-6-23; Eff. July 1, 2005; Readopted Eff. July 1, 2016; Amended Eff. July 1, 2024.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 17 .0502 REQUIRED CONTINUING EDUCATION HOURS

Each licensee shall complete a minimum of six credit hours of continuing education training during each two-year renewal period. Each registrant shall complete a minimum of three credit hours of continuing education training during each renewal period. Only registrants who engage in installation, service, sales, or monitoring of alarm systems shall be required to complete the continuing education requirements. Credit shall be given only for classes that have been preapproved by the Board using the criteria set forth in Rule .0503 of this Section. A licensee or registrant who attends a complete meeting of a regularly scheduled meeting of the Alarm Systems Licensing Board in person shall receive three credit hours for each meeting that the licensee or registrant attends and shall receive one credit hour for each meeting that the licensee

or registrant views virtually. The Board-approved continuing education form showing the credit hours earned must be uploaded online and submitted with each licensee or registrant's online application submission.

History Note: Authority G.S. 74D-2; 74D-5; Eff. May 1, 1999; Amended Eff. July 18, 2002; Transferred and Recodified from 12 NCAC 11 .0502 Eff. July 1, 2015; Readopted Eff. June 1, 2018; Amended Eff. March 1, 2024; September 1, 2019.

TITLE 18 - DEPARTMENT OF THE SECRETARY OF STATE

18 NCAC 07B .0101 SCOPE

The rules in this Subchapter implement Chapter 10B of the General Statutes. The rules govern:

- (1) the qualification, commissioning, notarial acts, conduct, and discipline of notaries public as public officers of the State;
- (2) the qualification, certification, and discipline of certified notary instructors; and
- (3) the qualification, approval or licensing, conduct, and discipline of technology providers.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. July 1, 2024.

18 NCAC 07B .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after determination that the individual has complied with Chapter 10B of the General Statutes and Subchapter 07C of this Chapter. For the purposes of the rules in this Chapter, the terms "appoint," "reappoint," "appointment," "reappointment," "commission," "recommissioning," "commissioning," and "recommissioning" all refer to the term "commission" as defined in G.S. 10B-3(4) or to the process of acquiring or maintaining the commission.
- (2) "Appointee" means an individual who has been appointed or reappointed to the office of notary public but has not yet taken the oath of office to be commissioned.
- (3) "Authorization" means a notary commission, an electronic notary registration, an instructor certification, an approval, or a license issued by

- the Department pursuant to Chapter 10B of the General Statutes.
- (4) "Authorize" means the Department's action to issue an authorization.
- (5) "Commission date" means the beginning date of commissioning or recommissioning as entered on a commission certificate.
- (6) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally recognized tribe, or any nation.
- (7) "Crime" means:
- (a) an offense designated by law as a felony or misdemeanor;
 - (b) an attempt to commit an offense;
 - (c) an accessory to commission of an offense;
 - (d) aiding and abetting of an offense;
 - (e) conspiracy to commit an offense;
 - (f) solicitation to commit an offense; or
 - (g) threat to commit an offense.
- An infraction as defined in G.S. 14-3.1 is not a crime.
- (8) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.
- (9) "Criminal convictions" means the following dispositions of criminal charges:
- (a) adjudications of guilt;
 - (b) pleas of nolo contendere;
 - (c) pleas of guilty;
 - (d) Alford pleas;
 - (e) conditional discharges;
 - (f) prayers for judgment continued; and
 - (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this Item.
- (10) "Denial" with regard to public office means an individualized action:
- (a) to disqualify an individual from:
 - (i) being a candidate for an elected public office; or
 - (ii) holding or filling a public office; and
 - (b) that is taken by:
 - (i) a governmental agency, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (11) "Disciplinary action" means an official action by a court, legislative body, governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation resulting in:
- (a) a disciplinary order;
 - (b) a censure;
 - (c) a reprimand;
 - (d) an admonition;
 - (e) a resignation in lieu of termination or revocation;
 - (f) a denial;
 - (g) a written warning; or
 - (h) actions denominated differently but equivalent to Sub-Items (a)-(g) in this Item.
- (12) "Disciplinary order" means a directive or its equivalent that:
- (a) is directed to a holder of a professional license or a commissioned notary public;
 - (b) prohibits or conditions an individual from engaging in the practice of the profession or acting as a notary public for any amount of time;
 - (c) is issued by a court or government agency, board, or commission of any locality, state, federally recognized tribe, or nation with authority to discipline or sanction the individual or notary public; and
 - (d) is not stayed, rescinded, reversed, or expunged.
- Note: Suspensions, restrictions, and revocations of commissions or licenses are examples of disciplinary orders.
- (13) "Family member" means an individual related by blood, marriage, or adoption.
- (14) "Finding" means a decision, conclusion, or opinion by a court, legislative body, or governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based upon a review of evidence in an investigation, a quasi-judicial proceeding, or a judicial proceeding resulting in a determination that:
- (a) a fact has been proved according to the applicable legal standard; or
 - (b) a law applies to the specific facts in a matter.
- (15) "Harm" means:
- (a) loss or damage to a person affecting:
 - (i) liberty;
 - (ii) child custody, parental rights, child support, or visitation;
 - (iii) reputation;
 - (iv) money;
 - (v) property;
 - (vi) time; or
 - (vii) a contract or transaction; or
 - (b) an act that undermines public confidence in the reliability of notarial acts or notarial instructor certification.
- (16) "Issuance" with regard to public office means an action:
- (a) to certify the results of an election signifying that an individual has been elected to the public office; or

- (b) to appoint an individual to fill a public office; and
- (c) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (17) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC 01A .0201(b).
- (18) "Name for use on a notary public commission" or "commission name" means the name chosen by a commission applicant as the applicant's commission name and consisting of:
 - (a) the full legal name of the commission applicant; or
 - (b) a combination of the applicant's surname and:
 - (i) full first or middle name; or
 - (ii) full first or middle name and one or more initials derived from the applicant's full legal name.

Note: Full legal names, full first names, and full middle names shall not include nicknames.
- (19) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), acts authorized to be performed by a notary public pursuant to:
 - (a) G.S. 163-231(a); and
 - (b) G.S. 53C-6-13(a).
- (20) "Notary course" means a course taught by a certified notary instructor for purposes of:
 - (a) commissioning or recommissioning a notary public; or
 - (b) registering or reregistering an electronic notary public.
- (21) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.
- (22) "Professional license" means an issuance that involves a grant of authority by a governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation, to an individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public trust, and that regards an occupation requiring training and formal qualification. Professional licenses are:
 - (a) attorney;
 - (b) appraiser;
 - (c) architect;
 - (d) boiler inspector;
 - (e) building, electrical, fire, mechanical, or plumbing inspector;
 - (f) certified nursing assistant;
 - (g) certified public accountant;
 - (h) code enforcement official;
 - (i) electrical contractor;
 - (j) engineer;
 - (k) general contractor;
 - (l) geologist;
 - (m) insurance agent;
 - (n) insurance company adjuster;
 - (o) interpreter or transliterator;
 - (p) investment advisor;
 - (q) locksmith;
 - (r) motor vehicle damage appraiser;
 - (s) on-site wastewater contractor inspector;
 - (t) pharmacist;
 - (u) physician;
 - (v) physician assistant;
 - (w) plumbing, heating, and fire sprinkler contractor;
 - (x) private investigator;
 - (y) professional bondsman;
 - (z) real estate broker;
 - (aa) registered nurse, licensed practical nurse, nurse practitioner;
 - (bb) securities broker, dealer, salesman;
 - (cc) self-employed insurance adjuster;
 - (dd) surety bondsman;
 - (ee) sworn law enforcement officer; and
 - (ff) teacher.
- (23) "Public office" means a position:
 - (a) created by law to which an individual has been elected or appointed;
 - (b) involving a delegation to the individual of some of the functions of government to be exercised by the individual for the benefit of the public; and
 - (c) with authority that is not solely advisory.
- (24) "Restriction" with regard to public office means an individualized action:
 - (a) to restrain an individual from serving in public office; and
 - (b) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (25) "Release from prison, probation or parole" means:
 - (a) completion of all terms of a sentence or judgment entered as part of a disposition of a criminal charge;
 - (b) a certificate or order related to a criminal charge evidencing the individual's unconditional discharge;

- (c) a certificate of relief pursuant to G.S. 15A-173.4;
 - (d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon pursuant to G.S. 13-4;
 - (e) an unconditional pardon pursuant to G.S. 13-3;
 - (f) an order that a conviction is vacated; and
 - (g) the individual's citizenship has been restored pursuant to G.S. 13-1;
 - (h) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official or body of a state, federally recognized tribe, or nation with the authority to grant pardons.
- (26) "Residence address" means a physical location with a street name, and a number designating the building in which an individual resides, including an apartment or unit number if applicable, the city, state, zip code, and nation if not the United States.
- (27) "Revocation" with regard to an individual's capacity to serve in a public office means an individualized action:
- (a) to void or cancel a certification of election to office; or
 - (b) to remove an individual from a public office; and
 - (c) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (28) "Suspension" with regard to a public office means an individualized action:
- (a) to prohibit, for a finite period of time, an individual's authority to serve in a public office; and
 - (b) that is taken by:
 - (i) a governmental agency, board, or commission, legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. July 1, 2024.

18 NCAC 07B .0103 OPERATING HOURS AND GENERAL CONTACT INFORMATION

- (a) Hours. Departmental hours for the public are 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of State holidays.
- (b) The Department's website is: www.sosnc.gov.
- (c) Email address: The Department may be contacted by email for notary-related issues at notary@sosnc.gov. Unless specifically permitted by a rule in this Chapter, email shall not be used for submitting applications.
- (d) Telephone number: The telephone number for the Department's customer service unit is (919) 814-5400.
- (e) Physical address. The Department is located at 2 South Salisbury Street, Raleigh, NC 27601.
- (f) Mailing address. The Department's mailing address is P.O. Box 29626, Raleigh, NC 27626-0626.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. July 1, 2024; February 1, 2021; October 1, 2019.

18 NCAC 07B .0104 ADA ACCOMMODATION

An applicant to become a notary public, electronic notary public, or certified notary instructor who needs accommodation pursuant to the Americans with Disabilities Act shall:

- (1) with regard to a notary course and exam accommodation request, direct the request to the institution offering the course and exam, in which instance the institution may consult with the Department about the accommodation requested; or
- (2) with regard to the online recommissioning exam, certified notary instructor initial or recertification oral presentation or written exam, contact the Department and request an accommodation.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07B .0105 OBTAINING REQUESTED INFORMATION

A filer shall:

- (1) use reasonable efforts to obtain information requested by the Department;
- (2) deliver to the Department all requested information that is available to the filer; and
- (3) if unable to obtain requested information, describe to the Department the efforts taken to obtain the information.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07B .0106 WAIVER

The Department may waive any rule in this Chapter that is not statutorily required on request of a filer or on its own initiative based on the factors set forth in Rule .0108 of this Section.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. July 1, 2024.

18 NCAC 07B .0107 CONTENTS OF WAIVER REQUEST

A request for waiver of a rule in this Chapter shall be in writing and shall include:

- (1) the requestor's:
 - (a) name;
 - (b) mailing address;
 - (c) email address; and
 - (d) preferred telephone number for contact;
- (2) for a request filed on behalf of an entity:
 - (a) the name of the entity;
 - (b) the requestor's position with the entity and authority to file the request on behalf of the entity;
 - (c) the mailing and business addresses of the entity;
 - (d) the telephone number for the entity; and
 - (e) the email address for the entity;
- (3) the specific rule and paragraph number for which waiver is requested;
- (4) an explanation of the reason for the request, including facts supporting the request;
- (5) any additional information related to the factors in Rule .0108 of this Section that the requestor wishes the Department to consider;
- (6) supporting documentation, if any;
- (7) a description of any previous waiver requests filed with the Department; and
- (8) the signature of the requestor and the date signed.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0108 FACTORS USED IN CONSIDERING WAIVER REQUESTS

Factors to be considered when the Department considers a waiver request are:

- (1) information about the requestor and the request, including the requestor's:
 - (a) explanation of the reasons for the request;
 - (b) control over the circumstances leading to the request;
 - (c) experience with the Notary Act and the rules in this Chapter;

- (d) record of timeliness, completeness, and accuracy of filings with the Department;
 - (e) history of waiver requests, if any; and
 - (f) impact of granting or denying the request on the requestor; and
- (2) impact on the public by granting or denying the request, including:
 - (a) harm or benefit to the public;
 - (b) consistency of implementation and enforcement of Chapter 10B of the General Statutes and the rules in this Chapter; and
 - (c) any harm to the Department if a waiver is granted or denied.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0109 COMPUTATION OF TIME PERIODS

The Department shall calculate time periods based on G.S. 1A-1, Rule 6, unless otherwise noted in the rules in this Chapter.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0110 REQUEST TO DEPARTMENT FOR CONFIDENTIAL INFORMATION

A request to the Department for information about a notary that is confidential pursuant to G.S. 10B-7, G.S. 10B-60, G.S. 10B-106, or that is personally identifiable information shall:

- (1) be in writing;
- (2) include the name of the requestor and contact information for the requestor; and
- (3) document the right of the requestor to receive the confidential information.

History Note: Authority G.S. 10B-4; 10B-106; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .1001 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07B .0407 INITIAL APPLICATION FOR NOTARY COMMISSION FORM

The initial application for notary commission form requires:

- (1) the information required by G.S. 10B-5, 10B-6, and 10B-7;
- (2) from the commission applicant:
 - (a) whether the applicant is a licensed member of the North Carolina State Bar;
 - (b) a residential phone number, which may be a cell phone number;
 - (c) the North Carolina notary commission number, if one was issued, and more

- (d) than 12 months have elapsed since expiration;
 - (d) occupation;
 - (e) applicant's employer or status as:
 - (i) self-employed;
 - (ii) unemployed;
 - (iii) retired; or
 - (iv) a student;
 - (f) North Carolina county where employed;
 - (g) with regard to the notary course attended:
 - (i) the name of the eligible institution that offered the course;
 - (ii) the number of course hours;
 - (iii) the printed or typed name of the course instructor; and
 - (iv) the date the course was successfully completed;
 - (h) a description of included attachments, if any; and
 - (i) the declaration required by G.S. 10B-12; and
- (3) from the notary course instructor:
- (a) certification that:
 - (i) the date, eligible institution, and printed name of the instructor are correct; and
 - (ii) the applicant successfully completed the course and therefore qualifies for consideration for a notary commission; and
 - (b) the course instructor's signature as required by G.S. 10B-6 and the date of the signature.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07B .0408 AFFIDAVIT OF MORAL CHARACTER

The affidavit of moral character form requires:

- (1) the applicant's name for use on a notary public commission, if available, or the full legal name of the individual about whom the affidavit is prepared;
- (2) information about the character witness:
 - (a) the affiant's name, contact information, and occupation;
 - (b) how the affiant knows the individual;
 - (c) how long the affiant has known the individual;
 - (d) how the affiant has had the opportunity to form an opinion of the individual's character; and

- (e) whether the affiant is aware of criminal charges against, or criminal convictions of, the individual;
- (3) the affiant's opinion whether the charges against, or convictions of, the individual will affect the ability of the individual to comply with Chapter 10B of the General Statutes;
- (4) a declaration whether the affiant personally recommends the individual for an authorization requiring honesty, integrity, trustworthiness, and high standards of moral character;
- (5) the signature of the affiant and the date signed; and
- (6) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0409 APPLICATION FOR RECOMMISSIONING AS NOTARY PUBLIC

The form for application for recommissioning as a notary public before expiration of a commission or within 12 months of commission expiration requires:

- (1) information regarding the applicant's current or, if expired, the most recent commission, including the commission number;
- (2) an imprint or stamp from the applicant's current seal, or most recently expired seal, if the applicant currently possesses a seal;
- (3) information required pursuant to G.S. 10B-11;
- (4) the instructor's signature, if the applicant takes the notary course as part of the recommissioning process;
- (5) information required pursuant to Rule .0407 of this Section that is not otherwise included in Items (1)-(3) of this Rule; and
- (6) the declaration under penalty of perjury that is required by G.S. 10B-12.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0410 NOTICE OF CHANGES REQUIRED BY 18 NCAC 07D .0301

The form for notice of change in the information required by 18 NCAC 07D .0301 shall include:

- (1) the notary public's commission name and county of commission;
- (2) the notary's commission number;
- (3) contact information for the notary;
- (4) last four digits of the notary's SSN;
- (5) for each change:
 - (a) which item of information regarding the notary has changed;
 - (b) the information as it existed before the change; and
 - (c) the information after the change; and

- (6) the printed name and signature of the notary and the date signed.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0411 NOTICE OF CHANGES REGARDING CRIMINAL HISTORY RECORD

The form for notice of changes in criminal history record requires:

- (1) the name of the individual;
- (2) if a commissioned notary public the notary's commission number;
- (3) the last four digits of the individual's SSN;
- (4) contact information for the individual;
- (5) for a previously unreported criminal charge:
 - (a) the date of the charge;
 - (b) the court in which the charge is filed;
 - (c) whether the charge is for a felony or misdemeanor;
 - (d) the name of the charge;
 - (e) whether the charge has been set for a hearing or trial and, if yes, the scheduled date; and
 - (f) the case number;
- (6) for notice of a disposition of a criminal charge:
 - (a) the date of the disposition;
 - (b) the name of the court and the case number;
 - (c) if the disposition resulted in a conviction:
 - (i) whether the conviction was for a felony or misdemeanor; and
 - (ii) the sentence imposed;
 - (d) a copy of the disposition document or judgment;
 - (e) a copy of any document restoring citizenship rights; and
- (7) the signature of the individual and the date signed.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0412 NOTICE OF CHANGES REGARDING PROFESSIONAL LICENSES, NOTARY COMMISSIONS, OR PUBLIC OFFICES

The form for notice of changes regarding professional licenses, notary commissions, or public offices requires:

- (1) the name of the individual;
- (2) if a commissioned notary public, the notary's commission number;
- (3) the last four digits of the individual's SSN;
- (4) contact information for the individual;
- (5) for a change in any information required by G.S. 10B-7(10), the information required by Section .0700 of this Subchapter; and
- (6) the printed name and signature of the individual and the date signed.

18 NCAC 07B .0413 NOTICE OF CHANGES REGARDING FINDINGS OR ADMISSIONS OF DECEIT, OFFICIAL MISCONDUCT, FALSE OR MISLEADING ADVERTISING, OR UNAUTHORIZED PRACTICE OF LAW

The form for notice of changes regarding findings or admissions of deceit, official misconduct, false or misleading advertising, or unauthorized practice of law requires:

- (1) the notary public's commission name and county of commission;
- (2) the notary's commission number;
- (3) last four digits of the notary's SSN;
- (4) contact information for the notary;
- (5) the information required pursuant to:
 - (a) 18 NCAC 07C .0207 for a finding or admission of liability against the notary pursuant to G.S. 10B-5(d)(3);
 - (b) 18 NCAC 07C .0208 for a finding of official misconduct by the notary;
 - (c) 18 NCAC 07C .0209 for a finding of unauthorized practice of law by the notary; and
 - (d) 18 NCAC 07C .0210 for a finding or charge of false or misleading advertising by the notary; and
- (6) the printed name and signature of the commission applicant or notary and the date signed.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07B .0414 APPLICATION FOR CERTIFICATION AS NOTARY INSTRUCTOR

The application for certification as a notary instructor form requires:

- (1) the information required by Rule .0407(1)–(2)(i) of this Section;
- (2) whether the applicant is currently employed as:
 - (a) a register of deeds or clerk of court; or
 - (b) an employee of the Department and is authorized by the Secretary to serve as an instructor;
- (3) the eligible institution for which the applicant will teach if certified as an instructor;
- (4) the name, telephone number, and email address of a contact person at the eligible institution who is knowledgeable about the conditional hiring of the applicant to teach notary courses;
- (5) whether the applicant has a personal copy of the most recent notary public manual approved by the Department and, if yes, the year and edition number;
- (6) whether the applicant has active experience as a notary public;

- (7) whether the applicant has notified the Department of changes as required by Chapter 10B of the General Statutes and the rules in this Chapter or is submitting a change form with the application;
- (8) the printed name and signature of the applicant and the date signed; and
- (9) a declaration under penalty of perjury that:
 - (a) the information provided is true and complete to the best of the applicant's knowledge and belief;
 - (b) the applicant remains qualified to be commissioned as a notary public; and
 - (c) the applicant will perform the duties and responsibilities of a certified notary instructor.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07B .0415 RECOMMENDATION OF NOTARY INSTRUCTOR APPLICANT

The recommendation of notary instructor applicant form requires:

- (1) the instructor applicant's commission name;
- (2) the name and contact information for the individual completing the form;
- (3) the individual's basis for recommending the applicant, including:
 - (a) a declaration that the individual is not a family member of the applicant;
 - (b) how the individual knows the applicant; and
 - (c) whether and how the individual has knowledge of the applicant's teaching skills;
- (4) whether, in the opinion of the individual, the applicant has the skills to be an effective teacher of notary applicants;
- (5) a declaration that the individual personally recommends the applicant to be a notary instructor;
- (6) the printed name and signature of the individual and the date signed; and
- (7) a declaration under penalty of perjury that the information provided is true and complete to the best of the individual's knowledge and belief.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07B .0416 EMPLOYER AFFIDAVIT REGARDING INSTRUCTOR APPLICANT ACTIVE EXPERIENCE FORM

The form for the employer affidavit regarding active experience requires:

- (1) the name of the person employing the applicant;
- (2) information about the affiant, consisting of the following:

- (a) the full printed name of the affiant;
- (b) the affiant's title and position with the employer;
- (c) the address and telephone number of the employer; and
- (d) the email address of the affiant;
- (3) an explanation of the reasons the instructor applicant has performed notarial acts while employed by the employer;
- (4) a statement specifying which of the preceding twelve months the instructor applicant performed notarial acts for the employer;
- (5) a declaration that:
 - (a) the affiant has the authority to sign; and
 - (b) the affiant has knowledge of the matters described in the affidavit;
- (6) the signature of the affiant and date on which the affiant signed; and
- (7) a jurat certificate.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07B .0417 STUDENT EVALUATION OF NOTARY INSTRUCTOR FORM

The student evaluation of notary instructor form requests the following information from a student:

- (1) the name of the instructor;
- (2) the date of the course;
- (3) the name of the institution;
- (4) rating of the instructor's:
 - (a) professionalism;
 - (b) subject matter knowledge;
 - (c) use of audio-visuals, handouts, and other materials; and
 - (d) responsiveness to questions from students;
- (5) rating of the course materials;
- (6) other information or comments that the student wishes to add; and
- (7) the student's name and contact information if the student is willing to be contacted by the Department with follow-up questions.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07B .0418 APPLICATION FOR RECERTIFICATION AS NOTARY INSTRUCTOR

The notary instructor application for recertification form requires:

- (1) the information specified in Rule .0414 of this Section;
- (2) verification that the applicant has taught the notary instructor course at least twice a year during the current two-year certification period;
- (3) the date of initial certification as an instructor;
- (4) whether certification has been continuous;
- (5) a declaration under penalty of perjury that:

- (a) the information provided is true and complete;
- (b) the applicant remains qualified to be commissioned as a notary public; and
- (c) the applicant:
 - (i) understands the official duties and responsibilities of a notary public and notary public instructor in North Carolina; and
 - (ii) will perform to the best of the applicant's ability all responsibilities of teaching the notary courses in accordance with the law.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0502 ADDITIONAL REQUIREMENTS FOR AN INDIVIDUAL LISTING CONVICTIONS

An individual required to provide a criminal history record pursuant to Chapter 10B of the General Statutes and the rules in this Chapter shall include:

- (1) a complete listing of felony convictions of the individual and the name under which each conviction was entered;
- (2) a complete listing of misdemeanor convictions of the individual and the name under which each conviction was entered;
- (3) if the individual's criminal history record includes a conviction in North Carolina, a copy of the individual's criminal history record prepared by the North Carolina State Bureau of Investigation;
- (4) if the individual has a criminal conviction in a jurisdiction other than North Carolina, a copy of the individual's criminal history record from a criminal history record registry or repository of record reflecting the conviction; and
- (5) the signed explanation required by Rule .0503 of this Section.

Note: A "registry or repository of record" is the official governmental state, federal, national, or tribal archive or center for collection of criminal history information.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0503 EXPLANATION OF CONVICTIONS

An individual who submits a criminal history record shall include an explanation for each criminal conviction with:

- (1) the individual's signature and the date on which the individual signed the explanation;
- (2) for each felony conviction:
 - (a) the date of the conviction and the court where the conviction was entered;
 - (b) the name of the court and the case number;
 - (c) the charge upon which the conviction was entered;
 - (d) a description of the circumstances surrounding the commission of the crime;
 - (e) the sentence imposed;
 - (f) a copy of the document showing the date of release from probation, parole, incarceration, or completion of the terms of the individual's sentence for each conviction; and
 - (g) a copy of any document restoring the individual's citizenship rights; and

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07B .0501 CRIMES

For purposes of applications and discipline under Chapter 10B of the General Statutes and the rules in this Chapter, each of the following offenses shall be classified as a crime involving "moral turpitude" as defined in G.S. 10B-3(9) or a "crime involving dishonesty" as defined in Rule .0102(8) of this Subchapter:

- (1) arson;
- (2) assault;
- (3) battery;
- (4) burglary;
- (5) carrying a concealed weapon without a permit;
- (6) child molestation;
- (7) child pornography;
- (8) discharge of a firearm in a public place or into a dwelling;
- (9) domestic violence;
- (10) driving while impaired;
- (11) embezzlement;
- (12) failure to comply with a court order;
- (13) failure to pay child support;
- (14) failure to return to confinement;
- (15) false financial statement;
- (16) forgery;
- (17) fraud;
- (18) hit and run;
- (19) identity theft;
- (20) impersonation of a law enforcement officer;
- (21) kidnapping;
- (22) practicing law without a license;
- (23) prostitution;
- (24) rape;
- (25) receipt of stolen goods or property;
- (26) resist, delay or obstruct a public officer in discharging or attempting to discharge an official duty;
- (27) robbery;
- (28) tax evasion;
- (29) terrorist threat or act;
- (30) unlawful possession or sale of drug; and
- (31) worthless check.

- (3) for each misdemeanor conviction the information required in Items (2)(a)-(f) of this Rule.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0504 ADDITIONAL DOCUMENTATION FOR CONVICTIONS

For an individual listing a criminal conviction, an affidavit of moral character shall be:

- (1) completed by three individuals, none of whom is a family member, using the form specified in Rule .0408 of this Subchapter; and
- (2) submitted to the Department by the individual listing a criminal conviction or the individuals completing the affidavits.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0505 REQUIREMENTS FOR INDIVIDUAL WITH PENDING CRIMINAL CHARGES

An individual required to provide a criminal history record who has a pending criminal charge in a court shall, for each pending criminal charge:

- (1) notify the Department:
 - (a) at the time of application to the Department; or
 - (b) within 45 days if a charge is brought after the application has been filed; and
- (2) provide the information specified in the form in Rule .0411 of this Subchapter.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0506 NOTICE TO DEPARTMENT OF DISPOSITION OF PENDING CHARGE

An individual required to provide the Department with information regarding a pending charge pursuant to Rule .0505 of this Section shall:

- (1) notify the Department within 45 calendar days of the final disposition of the charge;
- (2) provide the information specified in the form in Rule .0411 of this Subchapter;
- (3) provide a copy of the document reflecting the final disposition of the charge; and
- (4) if convicted, comply with Rules .0503 and .0504 of this Section.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07B .0601 FACTORS FOR DISCIPLINARY ACTIONS

When determining whether and what disciplinary action to take, the Department shall consider:

- (1) the qualifications of the person;
- (2) the nature, number, timing, and severity of any acts, offenses, official misconduct, or crimes under consideration;
- (3) evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person;
- (4) actual or potential harm;
- (5) the history of complaints against the person received by the Department;
- (6) the record of prior disciplinary actions against the person;
- (7) evidence in mitigation;
- (8) evidence in aggravation;
- (9) occupational, vocational, or professional license disciplinary record;
- (10) evidence of rehabilitation;
- (11) criminal history record;
- (12) information and reports received from other law enforcement agencies;
- (13) willfulness;
- (14) negligence;
- (15) the response of the person to any alleged violations; and
- (16) whether the person self-reported a matter affecting qualification or the performance of an activity pursuant to authorization.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0901 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07B .0602 DENIALS

(a) The Department shall deny an application in which an applicant willfully and knowingly provided false information about:

- (1) a criminal history record;
- (2) a record of official findings of liability related to the applicant's deceit, dishonesty, or intentional disclosure of confidential information to a person not legally entitled to the information.

(b) The Department may deny an application that contains misleading information.

(c) The Department shall deny an application if:

- (1) the Department determines that the applicant is not qualified for the authorization issued pursuant to the Constitution of the State of North Carolina, Chapter 10B of the General Statutes, or the rules in this Chapter; or
- (2) an applicant notarizes the applicant's own signature.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21; Eff. April 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0902 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0603 LEVELS OF ENFORCEMENT

Upon consideration of the evidence before it, the purposes and requirements of Chapter 10B of the General Statutes, and the rules in this Chapter, the Department may:

- (1) upon a finding of a violation of Chapter 10B of the General Statutes or the rules in this Chapter:
 - (a) issue a letter of caution to a person along with:
 - (i) a request for compliance; and
 - (ii) a statement that future noncompliance may lead to disciplinary action by the Department;
 - (b) issue a letter of warning to a person, with or without a corrective action plan. Note: A requirement for additional education is an example of a corrective action plan;
 - (c) suspend a person's authorization and bar the grant of an authorization for a specific period of time not to exceed 24 months, with or without a corrective action plan;
 - (d) issue a revocation of a person's authorization;
 - (e) issue a permanent revocation of a person's authorization;
 - (f) issue an administrative action restricting, for a specific period of time, an unauthorized person from submitting an application or from being becoming authorized; or
 - (g) issue an administrative action permanently restricting an unauthorized person from submitting an application or from becoming authorized; and
- (2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a disciplinary action.

Note: An application submitted in violation of an administrative action pursuant to Paragraphs (f) and (g) of this Rule shall be denied by the Department immediately upon identification of the applicant as being subject to the administrative action during the period of time applicable to the action. The application fee shall not be refunded.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0903 Eff. June 1, 2023;

Amended Eff. July 1, 2024.

18 NCAC 07B .0604 LETTER OF CAUTION

The Department may issue a letter of caution to a person for a violation of the requirements of Chapter 10B of the General Statutes or the rules in this Chapter in circumstances that do not merit disciplinary action.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0904 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0605 WARNING

The Department may issue a warning to a person for a violation of Chapter 10B of the General Statutes or the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. May 1, 2008;
Transferred from 18 NCAC 07B .0905 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0606 SUSPENSION

After consideration of the factors in Rule .0601 of this Section, the Department may issue a suspension to a person who:

- (1) violates a requirement of Chapter 10B of the General Statutes or the rules in this Chapter; or
- (2) has a criminal conviction.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0906 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0607 RESTRICTION

Upon a finding that the person has acted without being authorized by the Department, the Department may issue an administrative action to restrict that person from applying for authorization or from becoming authorized to:

- (1) perform a notarial act;
- (2) teach a notarial course;
- (3) offer an electronic notarization system to an electronic notary public; or
- (4) act as a depository.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;
Eff. April 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2021; October 1, 2019; Transferred from 18 NCAC 07B .0907 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07B .0608 MANDATORY REVOCATION

The Department shall revoke an authorization of:

- (1) a person who is convicted of a crime related to performance of an act pursuant to, or in relation to, an authorization issued by the Department;
- (2) a notary public who notarizes the notary's own signature;
- (3) a notary who performs a notarial act and either:
 - (a) fails to require the personal appearance of the principal; or
 - (b) performs a remote electronic notarial act without requiring the appearance of a principal by an authorized communication technology; or
- (4) a person who performs an act permitted by an authorization issued by the Department knowing that:
 - (a) the act, a document associated with the act, or information contained in a document associated with the act is false or fraudulent; or
 - (b) the intent of the act or document is to perpetrate a crime.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07B .0701 GENERAL

An applicant for a notary commission shall include with the application a list of all professional licenses, public offices, and notary commissions as required by G.S. 10B-7(10), together with the information required by the rules in this Section.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-134.19; 10B-134.21; Eff. April 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0201 Eff. June 1, 2023; Amended Eff. March 1, 2025.

18 NCAC 07B .0702 REQUIREMENTS REGARDING PROFESSIONAL LICENSES AND NOTARIAL COMMISSIONS

An individual required to provide information to the Department about professional licenses and notarial commissions that the individual presently holds, has held, or has applied for shall include the following, to the extent the information is available to the individual after reasonable efforts, for each license and notarial commission listed:

- (1) the name under which each license or notarial commission was issued;

- (2) the state, federally recognized tribe, or nation that issues or grants each listed license or commission;
- (3) the name of the governmental agency, board, or commission that issued each license or granted each commission;
- (4) the name of the professional license or notary commission;
- (5) the license or commission number, if one is assigned by the issuing agency, board, or commission;
- (6) the expiration dates for all licenses or commissions listed; and
- (7) whether, to the knowledge of the individual, there is an open investigation by the issuing agency, board, or commission into use or misuse by the individual of a license or commission listed.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07B .0703 DISCIPLINARY ACTION INVOLVING A PROFESSIONAL LICENSE OR NOTARY COMMISSION

For each professional license or notary commission listed by the applicant pursuant to Rule .0701 of this Section, and for which the individual has been the subject of a disciplinary action by a court, legislative body, governmental agency, board, or commission, the individual shall include:

- (1) the date of each disciplinary action;
- (2) the disciplinary action taken;
- (3) a copy of each disciplinary action;
- (4) if not included in the copy of the disciplinary action provided:
 - (a) the reason given for the disciplinary action;
 - (b) an explanation of the circumstances that led to the disciplinary action; and
 - (c) the name of the issuing entity;
- (5) whether the disciplinary action included any corrective action or conditions on the license or commission;
- (6) whether the individual has complied with the corrective actions or conditions;
- (7) the date on which compliance with the corrective actions or conditions was satisfied;
- (8) whether the individual would be eligible for relicensure or recommissioning; and
- (9) other information that the individual wishes to include in order to aid the Department in assessing the individual's professional license and notary commission history.

History Note: Authority G.S. 10B-4; 10B-134.21; 10B-134.23; Eff. March 1, 2025.

18 NCAC 07B .0704 PUBLIC OFFICES

An individual shall include on the application for authorization:

- (1) a list of each public office that the individual presently holds or has held;
- (2) the name under which each public office is or was held;
- (3) the locality, state, federally recognized tribe, or nation in which the public office is or was held;
- (4) the title of the public office;
- (5) the beginning and ending dates of the term of each public office; and
- (6) whether, to the knowledge of the individual, there is an open investigation by a government or law enforcement agency into the use or misuse by the individual of the public office.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07B .0705 DENIALS OF PUBLIC OFFICES

If an individual was denied a public office, the individual shall include with the application:

- (1) the name of the public office that was denied;
- (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
- (3) the date of the denial;
- (4) the name used when the denial occurred;
- (5) the reason for the denial; and
- (6) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07B .0706 RESIGNATIONS FROM PUBLIC OFFICES

If an individual resigned from a public office, the individual shall include:

- (1) the name of the public office from which the individual resigned;
- (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
- (3) the date of the resignation;
- (4) the name used when the resignation occurred;
- (5) the reason for the resignation; and
- (6) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07B .0707 DISCIPLINARY ACTION INVOLVING A PUBLIC OFFICE

For each public office listed pursuant to Rule .0701 of this Section and for which the individual has been the subject of a disciplinary action, the individual shall include:

- (1) the date of each disciplinary action;
- (2) the disciplinary action taken;
- (3) a copy of each disciplinary action;
- (4) if not otherwise set out in the copy of the disciplinary action provided:
 - (a) the reason given for the disciplinary action; and
 - (b) an explanation of the circumstances that led to the disciplinary action;
- (5) whether the disciplinary action included any corrective actions or conditions;
- (6) whether the individual complied with the corrective actions or conditions;
- (7) the date on which compliance with the corrective actions or conditions was satisfied;
- (8) whether the individual would be eligible to hold public office again; and
- (9) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07C .0101 SCOPE

This Subchapter sets requirements for the application, commissioning, and recommissioning process for traditional notaries public.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0102 DEFINITIONS RELATED TO APPLICATION AND RECOMMISSIONING PROCESS

For purposes of this Subchapter:

- (1) "Commission applicant" is an applicant for an initial commission or for recommissioning as a traditional notary public.
- (2) "Exam" means a test prepared by the Department and administered by:
 - (a) a certified notary instructor; or
 - (b) the Department or its designee.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0201 INITIAL APPLICATION

An applicant for initial appointment as a traditional notary public who is not a licensed member of the North Carolina State Bar shall:

- (1) possess a current personal copy of the North Carolina notary public manual applicable to traditional notaries;

- (2) successfully complete the notary course and exam; and
- (3) submit the application form specified in 18 NCAC 07B .0407.

Note: The official North Carolina notary public manual is written by the Department. The Department's website includes information regarding where to purchase the manual.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0301 Eff. June 1, 2023; Amended Eff. March 1, 2025.

18 NCAC 07C .0202 TIMING

An applicant for initial appointment as a traditional notary public shall:

- (1) submit an application within three months after successfully completing the notary course and exam; or
- (2) if a licensed member of the North Carolina State Bar, comply with the rules in Section .0700 of this Subchapter.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0302(a) Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07C .0203 REQUIREMENTS FOR APPLICANTS RESIDING OUTSIDE NORTH CAROLINA

A commission applicant who resides outside the State of North Carolina and has a regular place of work or business in North Carolina shall submit an affidavit from the applicant's employer that shall be on the employer's business letterhead, and include:

- (1) the name, address, and telephone number of the employer's business;
- (2) the name of the applicant;
- (3) affirmation that:
 - (a) the applicant works for the employer;
 - (b) the applicant regularly spends all or part of the applicant's work time working for the employer in a physical location within the State of North Carolina; and
 - (c) the street address of the physical location within North Carolina at which the applicant works; and
- (4) the printed name and the signature of the individual signing the statement;
- (5) the title of the individual signing the statement;
- (6) a statement that the signer has the authority to sign on behalf of the employer;
- (7) a telephone number and email address at which the signer can be contacted; and
- (8) a jurat certificate.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0502(b) Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07C .0204 ADDITIONAL REQUIREMENTS FOR APPLICANTS LISTING CONVICTIONS

A commission applicant who submits a criminal history record shall include with the application the information required by 18 NCAC 07B .0500.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0205 REQUIREMENTS FOR APPLICANT WITH PENDING CRIMINAL CHARGES

A commission applicant who has pending criminal charges in a court shall comply with 18 NCAC 07B .0505.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0206 REQUIREMENTS FOR APPLICANTS REGARDING PROFESSIONAL LICENSES, NOTARIAL COMMISSIONS, AND PUBLIC OFFICES

A commission applicant who has applied for, holds, or has held a professional license, a notarial commission, or a public office, shall comply with 18 NCAC 07B .0700.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07C .0207 FINDINGS OR ADMISSIONS OF LIABILITY BASED ON APPLICANT'S DECEIT

A commission applicant for whom, in a civil lawsuit, there has been a finding or admission of fault or liability based on the applicant's deceit shall include with the application:

- (1) a list of each finding or admission;
- (2) a copy of the document containing the finding or admission;
- (3) a brief description of the circumstances surrounding the finding or admission;
- (4) if not included in the document in Item (2) of this Rule:
 - (a) the date on which the finding or admission was made;
 - (b) the court in which the civil lawsuit was filed; and
 - (c) the case name and docket number; and
- (5) any additional information that the applicant wishes the Department to consider.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07C .0208 FINDINGS THAT THE APPLICANT ENGAGED IN OFFICIAL MISCONDUCT

A commission applicant who is, has previously been, or has acted in the capacity as a notary public of any locality, state, federally recognized tribe, or nation, and who has listed on the application findings of official misconduct, civil findings, or admissions of fault or liability regarding the applicant's activities as a notary, shall include with the application:

- (1) the name of the court or governmental agency, board, or commission that made the finding;
- (2) a copy of the document in which the official misconduct finding was made;
- (3) if not included in the document in Item (2) of this Rule:
 - (a) the date on which the finding or admission was made;
 - (b) the court or governmental agency, board or commission that made the finding; and
 - (c) the case name and docket number, or similar unique designation;
- (4) a description of the circumstances surrounding the finding; and
- (5) any additional information that the applicant wishes the Department to consider.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07C .0209 FINDING OF UNAUTHORIZED PRACTICE OF LAW

A commission applicant against whom a finding has been made that the applicant engaged in the unauthorized practice of law shall include with the application:

- (1) the name of the court or governmental agency, board, or commission that made the finding;
- (2) a copy of the finding;
- (3) the date of the finding, if not included in the copy provided pursuant to Item (2) of this Rule;
- (4) a description of the circumstances surrounding the finding; and
- (5) any additional information that the applicant wishes the Department to consider.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07C .0210 FINDING OF FALSE OR MISLEADING ADVERTISING

A commission applicant against whom a charge or finding has been made that as a notary public, the notary knowingly used false or misleading advertising that represents that the notary has powers, duties, rights, or privileges not conveyed by law, shall include with the application:

- (1) the name of the court or governmental agency, board, or commission in which the charge or finding is made;
- (2) a copy of the charge or finding;

- (3) the date of the charge or finding, if not included in the copy provided pursuant to Item (2) of this Rule;
- (4) a description of the circumstances surrounding the charge or finding; and
- (5) any additional information that the applicant wishes the Department to consider.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07C .0301 COURSES TAUGHT BY CERTIFIED NOTARY INSTRUCTORS

An applicant for an initial notary commission shall successfully complete a notary course taught by a certified notary instructor before submitting an initial commission application to the Department.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0303 PRESENTATION OF SATISFACTORY EVIDENCE OF IDENTITY IN CONNECTION WITH NOTARY COURSE

A commission applicant who is not personally known to the certified notary instructor shall present satisfactory evidence of identity to the notary instructor:

- (1) before the course begins;
- (2) before the instructor signs the application; and
- (3) upon request of the instructor at any other time during the course.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0304 SATISFACTORY EVIDENCE PRESENTED TO INSTRUCTOR

The satisfactory evidence of identity presented to a certified notary instructor pursuant to Rule .0303 of this Section shall match the applicant's name for use on a notary public commission.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0305 RETESTING

A notary applicant who fails to achieve a passing grade on the notary course exam and who wishes to be commissioned as a notary public may retake the exam if:

- (1) the institution at which the course is taught permits retesting; and
- (2) the retest is taken within 30 days of the date of the exam failure.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0401 APPOINTMENT

The Department shall appoint or reappoint an applicant to the office of notary public after reviewing the application submitted by the applicant and determining that:

- (1) the application is accepted; and
- (2) the applicant is qualified to be appointed pursuant to N.C. Const. Art. VI, Sec. 8, Chapter 10B of the General Statutes, and the rules in this Chapter.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0501 Eff. June 1, 2023; Amended Eff. March 1, 2025.

18 NCAC 07C .0402 ISSUANCE OF CERTIFICATES

The Department shall provide:

- (1) to the Register of Deeds in the county of the notary public's commissioning:
 - (a) a certificate of appointment that includes the appointee's full legal name and the commission name of the appointee; and
 - (b) a commission certificate in the commission name of the appointee to be used by the Register of Deeds to document that the notary oath has been administered to the appointee; and
- (2) a duplicate commission certificate to a notary public, upon request to the Department.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07C .0403 NOTICE TO APPOINTEE

The Department shall send the appointee notice that:

- (1) the certificate of appointment has been issued; and
- (2) the appointee shall appear before the Register of Deeds in the county of commissioning and take the oath of office within 45 days of the certificate of appointment issuance date.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07C .0404 COMMISSION CERTIFICATE

A commission certificate:

- (1) shall not be valid until the oath of office has been taken; and
- (2) shall include:
 - (a) the appointee's name for use on a notary public commission;
 - (b) the county of commissioning;
 - (c) the beginning date of the commission; and
 - (d) the expiration date of the commission.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0502(a) Eff. June 1, 2023; Amended Eff. March 1, 2025.

18 NCAC 07C .0405 SATISFACTORY EVIDENCE OF IDENTITY

Before taking the oath of office, an appointee shall:

- (1) present satisfactory evidence matching the appointee's name on the certificate of appointment to the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office; or
- (2) be personally known to the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0503 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07C .0406 REGISTER OF DEEDS

After administering the oath of office, the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds shall:

- (1) require that the notary public sign the certificate of appointment;
- (2) sign and date the certificate of appointment;
- (3) record the certificate of appointment as required by G.S. 10B-10(c);
- (4) deliver the commission certificate to the notary; and
- (5) deliver notice to the Department as required by G.S. 10B-10(d).

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0407 PERFORMING TRADITIONAL NOTARIAL ACTS

No individual may perform a notarial act unless the individual has a valid commission certificate.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0409 TERM OF COMMISSION

The term of a notary public's commission shall be calculated from the date that the commission application is filed pursuant to 18 NCAC 07B .0312 unless Rule .0410 of this Subchapter applies.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

*Transferred from 18 NCAC 07B .0505 Eff. June 1, 2023;
Amended Eff. July 1, 2024.*

18 NCAC 07C .0410 TERM OF REAPPOINTMENT COMMISSION

A recommissioning notary public's five year term shall begin on the day following the expiration of the existing commission if:

- (1) the application for reappointment has been filed before the expiration of the existing commission; and
- (2) the notary takes the oath of office for recommissioning within 45 days of the issuance date on the certificate of appointment.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

18 NCAC 07C .0411 NOTARIAL ACTS PROHIBITED DURING GAPS BETWEEN COMMISSION TERMS

A notary public shall not perform a notarial act after the expiration of the notary's commission until the notary has been reappointed and has taken the oath for a subsequent commission.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

18 NCAC 07C .0502 LATE APPLICATION

A commission applicant for an initial appointment who submits an application more than three months after successfully completing the notary course shall comply again with the requirements for initial appointment in G.S. 10B-6 and the rules in this Subchapter.

*History Note: Authority G.S. 10B-4;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0302(b) Eff. June 1, 2023;
Amended Eff. July 1, 2024.*

18 NCAC 07C .0504 APPLICATION AFTER RECOMMISSIONING DENIAL BASED ON FAILING EXAM

An applicant for recommissioning whose application is denied due to failure to pass the recommissioning exam within the time frame established in Rule .0605 of this Subchapter may reapply by complying again with the requirements for recommissioning in G.S. 10B-11 and the rules in this Subchapter.

*History Note: Authority G.S. 10B-4;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0403 Eff. June 1, 2023;
Amended Eff. July 1, 2024.*

18 NCAC 07C .0505 APPLICATION FOR RECOMMISSIONING WITHIN 12 MONTHS OF COMMISSION EXPIRATION OR PURSUANT TO G.S. 10B-53

A notary public may seek recommissioning by complying with G.S. 10B-11 and the rules in this Subchapter if:

- (1) the notary's commission has expired and less than 12 months have elapsed since the expiration of the prior commission; or
- (2) the notary seeks recommissioning pursuant to G.S. 10B-53.

*History Note: Authority G.S. 10B-4;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0504 Eff. June 1, 2023;
Amended Eff. July 1, 2024.*

18 NCAC 07C .0506 RECOMMISSIONING EDUCATIONAL REQUIREMENT

A notary public seeking recommissioning pursuant to Rule .0505 of this Section need not attend a notary course but shall pass the online recommissioning exam, unless the exception in G.S. 10B-11(b)(3) applies to the notary.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

18 NCAC 07C .0508 CANCELLATION OF COMMISSION

If the Department has not received notice from the Register of Deeds that an appointee took the oath within 45 days of the certificate of appointment issuance date, the Department shall:

- (1) cancel the commission; and
- (2) notify the appointee of the cancellation.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

18 NCAC 07C .0509 RESCIND CANCELLATION OF CERTIFICATE OF APPOINTMENT

If a notary public presents the Department with the notary's valid commission certificate, the Department shall rescind the cancellation of the notary's commission previously made pursuant to Rule .0508 of this Section.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

18 NCAC 07C .0510 CONFIRMATION OF NOTARY STATUS

The Department shall confirm a notary public's commission status upon written request.

*History Note: Authority G.S. 10B-4;
Eff. July 1, 2024.*

18 NCAC 07C .0601 APPLICATION STEPS FOR RECOMMISSIONING

A notary public seeking recommissioning within the time permitted by G.S. 10B-11 and the rules in this Subchapter shall submit the recommissioning application specified in 18 NCAC 07B .0409.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0401(a) Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07C .0602 METHOD OF TAKING RECOMMISSIONING EXAM

The recommissioning exam shall be taken on the Department's website.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0401(b) Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07C .0603 COURSE AS ALTERNATIVE TO RECOMMISSIONING EXAM

An applicant for recommissioning may comply with the rules in Section .0300 of this Subchapter as though the applicant were applying for an initial notary commission in lieu of taking or retaking the recommissioning exam.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0402 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07C .0604 EXAM LENGTH AND PASSING SCORE

A notary public seeking recommissioning and taking the recommissioning exam shall:

- (1) have 30 minutes to complete the recommissioning exam; and
- (2) achieve a passing score of at least 80 percent on the exam.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0605 RETAKING RECOMMISSIONING EXAM AFTER FAILURE

If an applicant for recommissioning fails the recommissioning exam, the applicant may take the exam up to 2 additional times within 30 days of the date on which the exam is first taken.

History Note: Authority G.S. 10B-4;

Eff. July 1, 2024.

18 NCAC 07C .0606 FAILURE TO PASS EXAM WITHIN 30 DAYS

If a notary public seeking recommissioning fails to pass the recommissioning or notary course exam within 30 days of the date on which the exam was first taken, the application shall be denied.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0607 INDIVIDUAL WHO FAILS TO SEEK RECOMMISSIONING WITHIN ONE YEAR

An individual who fails to seek recommissioning within one year of commission expiration may be commissioned as a notary public only upon completion of all requirements for an initial notary commission.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0701 ATTORNEY APPLICATION FOR INITIAL APPOINTMENT

Notary applicants for initial appointment who are licensed members of the North Carolina State Bar shall:

- (1) maintain a personal copy of the most recent notary public manual approved by the Department; and
- (2) either:
 - (a) submit a completed notarial commission application form described in 18 NCAC 07B .0407 any of the following being required:
 - (i) attending the notary course;
 - (ii) passing the notary course exam; and
 - (iii) obtaining a signature from a notary instructor; or
 - (b) comply with the rules in this Subchapter for an individual who is not a licensed member of the State Bar.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0702 RECOMMISSIONING OF ATTORNEY NOTARIES

Licensed members of the North Carolina State Bar who are commissioned notaries public may apply for recommissioning by complying with the rules in this Subchapter, except that licensed members of the State Bar shall not be required to take any course or exam prior to recommissioning.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0703 ATTORNEYS WHO FAIL TO TAKE NOTARIAL OATH TIMELY

A licensed member of the North Carolina State Bar who fails to take the oath of office within 45 days of the issuance date on a certificate of appointment or reappointment shall submit a new application and fee in compliance with the rules in this Subchapter.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07C .0704 ATTORNEYS SEEKING REGISTRATION OR REREGISTRATION AS ELECTRONIC NOTARIES

A licensed member of the North Carolina State Bar who applies to be registered or reregistered as an electronic notary public shall:

- (1) comply with the rules in Subchapter 07F of this Chapter;
- (2) successfully complete the electronic notary course and exam;
- (3) possess a current and personal copy of the North Carolina notary manual applicable to electronic notaries; and
- (4) submit an electronic notary application and fee.

History Note: Authority G.S. 10B-4; 10B-126; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07D .0101 SCOPE

The rules in this Subchapter set forth the continuing obligations of notaries public.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07D .0102 RESPONSE TO DEPARTMENT REQUESTS

A notary public shall respond to a request by the Department for information, records, or an interview relating to qualifications to be a notary or performance of notarial acts:

- (1) in the manner and within the time period set by the Department; or
- (2) as provided in an extension granted pursuant to Rule .0104 of this Section.

History Note: Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c); Eff. July 1, 2024.

18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT

(a) A notary public may submit a request for an extension of time to respond to a Department request pursuant to Rule .0102 of this Section.

- (b) A request pursuant to Paragraph (a) of this Rule shall:
- (1) be for an extension lasting no more than 30 days; and
 - (2) include the reason an extension is necessary.

History Note: Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c); Eff. July 1, 2024.

18 NCAC 07D .0104 DEPARTMENT RESPONSE TO EXTENSION REQUEST

When deciding whether to grant an extension request, the Department shall consider the factors listed in 18 NCAC 07B .0108.

History Note: Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c); Eff. July 1, 2024.

18 NCAC 07D .0301 OBLIGATIONS TO GIVE NOTICE OF CHANGES IN PRIMARY INFORMATION

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0410 to notify the Department within 45 calendar days of changes in the applicant's or notary's:

- (1) name;
- (2) mailing or street address;
- (3) county of commission;
- (4) residential or mobile telephone number;
- (5) personal or business email address;
- (6) status as a resident of the United States;
- (7) ability to speak, read and write in the English language; or
- (8) employer regarding:
 - (a) change of employer;
 - (b) change in employer business name. Note: A business changing from ABC, Inc. to ABC, LLC is an example of a change in employer business name;
 - (c) change in employer street or mailing address; or
 - (d) change in employer telephone number.

History Note: Authority G.S. 10B-4; Eff. April 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0107 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07D .0302 NOTICE TO DEPARTMENT OF PENDING CRIMINAL CHARGES

A notary applicant or notary public shall notify the Department within 45 calendar days of a previously unreported pending criminal charge against the applicant or notary by complying with 18 NCAC 07B .0505.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07D .0303 NOTICE TO DEPARTMENT OF CRIMINAL CHARGE DISPOSITION

Within 45 calendar days of the date of the final disposition of a criminal charge against a notary applicant or a notary public, the

applicant or notary shall notify the Department by complying with 18 NCAC 07B .0506.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024.

18 NCAC 07D .0304 NOTICE TO DEPARTMENT OF FINDINGS OR ADMISSIONS OF DECEIT

A notary applicant or a notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding or admission of fault or liability in a civil lawsuit based on the applicant's or notary's deceit.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07D .0305 NOTICE TO DEPARTMENT OF CHANGES TO PROFESSIONAL LICENSES, NOTARY COMMISSIONS, OR PUBLIC OFFICES

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0412 to notify the Department within 45 calendar days of an issuance, a denial, a revocation, a suspension, a restriction, or a resignation of the applicant's or notary's professional license, notary commission, or public office.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07D .0306 NOTICE TO DEPARTMENT OF OFFICIAL MISCONDUCT

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding that the applicant or notary has engaged in official misconduct and shall provide the Department with the documents and information required by 18 NCAC 07C .0208.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07D .0307 NOTICE TO DEPARTMENT OF FALSE OR MISLEADING ADVERTISING

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding or a charge that the applicant or notary has knowingly used false or misleading advertising that represents that the applicant or notary has powers, duties, rights, or privileges the applicant or notary does not possess by law.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07D .0308 NOTICE TO DEPARTMENT REGARDING UNAUTHORIZED PRACTICE OF LAW

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding by a court or the attorney-licensing agency of any state, federally recognized tribe, or nation, that the applicant or notary has engaged in the unauthorized practice of law.

History Note: Authority G.S. 10B-4; Eff. March 1, 2025.

18 NCAC 07E .0101 INSTRUCTOR CERTIFICATION – SCOPE AND DEFINITIONS

(a) This Subchapter sets the requirements for certification and recertification as a notary instructor and for requesting that the Department offer certified notary instructor courses.

(b) For purposes of this Subchapter:

- (1) "Active experience as a notary" means either:
 - (A) performance in North Carolina of at least 1 notarial act in each of the immediately preceding 12 months; or
 - (B) active experience as a certified notary instructor.
- (2) "Active experience as a certified notary instructor" means teaching at least two notary courses for each of the two 12-month periods during which an instructor holds an instructor certification.
- (3) "Affidavit of moral character form" means the form specified in 18 NCAC 07B .0408.
- (4) "Eligible institution" or "institution" means:
 - (A) a community college established pursuant to G.S. 115D-4;
 - (B) a constituent institution of the University of North Carolina established pursuant to G.S. 116-4;
 - (C) an eligible private postsecondary institution as defined by G.S. 116-280(3); or
 - (D) a public school system authorized to conduct adult education programs pursuant to G.S. 115C-231.
- (5) "Instructor applicant" means an applicant for initial certification or for recertification as a notary instructor.
- (6) "Instructor application form" means the form specified in 18 NCAC 07B .0414.
- (7) "Instructor course" means the initial notary public instructor certification course and the recertification course.
- (8) "Instructor recertification application form" means the form specified in 18 NCAC 07B .0418.
- (9) "Recommendation form" means the form specified in 18 NCAC 07B .0415.
- (10) "Successfully complete" means, when used to describe an instructor applicant, that an instructor applicant has complied with Chapter 10B and the rules in this Subchapter and has:
 - (A) presented satisfactory evidence of identity;
 - (B) attended a notary instructor certification or recertification course; and
 - (C) achieved passing grades on the written and oral instructor certification or recertification course exams.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0701 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07E .0102 CONDITIONS FOR BECOMING NOTARY INSTRUCTOR

A commissioned notary public may become a certified notary instructor upon meeting the following conditions:

- (1) an eligible institution nominates the notary to the Department by written request pursuant to Rule .0103 of this Section; and
- (2) the Department determines that the nominee meets the criteria in G.S. 10B-14 and the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0103 NOMINATION BY ELIGIBLE INSTITUTION

An eligible institution may nominate a notary public to be certified as a notary instructor by:

- (1) submitting a written request to the Department addressed to the Director; and
- (2) including in its request:
 - (a) the full name of the institution;
 - (b) a request that the nominated notary be enrolled in an instructor course;
 - (c) the name of the proposed notary instructor as it appears on the notary's commission;
 - (d) a statement that the nominated instructor has consented to be nominated and has been directed to contact the Department to request an application form;
 - (e) the name, title, signature, and contact information for the individual submitting the request;
 - (f) the name and contact information for the notary course administrator of the institution, if different from the individual submitting the request;
 - (g) the date of the request; and
 - (h) a statement that upon certification as a notary instructor, the nominee will be employed by the institution as a certified notary instructor.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0104 FEE - EXEMPTION AND FAILURE TO PAY

(a) An instructor applicant who asserts exemption from the fee pursuant to G.S. 10B-14(c) shall certify on the instructor

certification or recertification application form that as of the date of application, the applicant is currently employed as:

- (1) a register of deeds;
- (2) a clerk of court; or
- (3) an employee of the Department and is authorized by the Secretary to teach notary courses as set forth in G.S. 10B-14(c).

(b) The Department shall refuse to administer the notary public instructor certification exam to an applicant who has failed to pay the fee required for certification or recertification as a notary instructor before the exam date.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0705 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07E .0105 GENERAL REQUIREMENTS

An applicant for initial notary instructor certification shall:

- (1) be nominated by an eligible institution;
- (2) complete and submit the Department's notary instructor application form specified in 18 NCAC 07B .0414;
- (3) provide proof of active experience as a notary public using any combination of the methods set out in Section .0200 of this Subchapter;
- (4) submit three recommendations supporting the applicant from nonfamily members in compliance with Rule .0112 of this Section;
- (5) have read:
 - (a) Chapter 10B of the General Statutes;
 - (b) the rules in this Chapter; and
 - (c) the current edition of the approved notary manual for traditional notaries; and
- (6) successfully complete the notary instructor course.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0702 Eff. June 1, 2023; Amended Eff. March 1, 2025.

18 NCAC 07E .0106 MANDATORY DEPARTMENT DENIAL OF INSTRUCTOR APPLICATION

The Department shall deny a notary instructor certification or recertification application if any of the following apply:

- (1) the applicant has not held a notary commission for at least one calendar year;
- (2) the applicant does not have active experience as a notary public;
- (3) an investigation is pending into the applicant's performance of the duties as a notary, an electronic notary public, or a notary public instructor;

- (4) the applicant has not completed the conditions of any disciplinary action issued by the Department; or
- (5) any reason for which a notary commission may be denied pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.

- (2) that the applicant or certified notary instructor will teach at another institution.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0703 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0111 OTHER VERIFICATIONS

History Note: Authority G.S. 10B-8; 10B-14; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0707 Eff. June 1, 2023;
Repealed Eff. July 1, 2024.

18 NCAC 07E .0107 DEPARTMENT REJECTION OF APPLICATIONS

History Note: Authority G.S. 10B-8; 10B-14; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0704 Eff. June 1, 2023;
Repealed Eff. July 1, 2024.

18 NCAC 07E .0112 RECOMMENDATIONS

An instructor applicant shall include three recommendations from individuals who are not family members of the applicant. The recommendations shall be submitted on the Department's recommendation form specified in 18 NCAC 07B .0415. For purposes of this Rule, either the applicant or the individual making the recommendation may submit the recommendation form to the Department.

18 NCAC 07E .0108 VERIFICATION THAT INSTRUCTOR APPLICANT CONTINUES TO MEET REQUIREMENTS FOR A NOTARY COMMISSION

An instructor applicant shall verify under penalty of perjury on the instructor application form specified in 18 NCAC 07B .0414 that:

- (1) the information on the application is true and complete; and
- (2) the applicant will perform the responsibilities of a certified notary instructor as set out in Chapter 10B of the General Statutes and the rules in this Chapter to the best of the applicant's ability.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0712 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07E .0113 INSTRUCTORS AS REGISTERED ELECTRONIC NOTARIES

An instructor applicant shall:

- (1) be a registered electronic notary public at the time of application; or
- (2) comply with all requirements for registration as an electronic notary within three months of successfully completing the instructor certification course.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0706 Eff. June 1, 2023;
Amended Eff. March 1, 2025.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0109 CHANGE IN INSTRUCTOR'S ELIGIBLE INSTITUTION

(a) Within 45 days of a change in the eligible institution listed on the notary instructor application, an instructor applicant or certified notary instructor shall notify the Department in writing of:

- (1) the change in eligible institution;
- (2) the date that the change is effective; and
- (3) the name and contact information for the notary course administrator at the eligible institution.

(b) For purposes of this Rule, "change in the eligible institution" means:

- (1) that the applicant or certified notary instructor will not teach at the institution named in the application; or

18 NCAC 07E .0201 EVIDENCE OF ACTIVE EXPERIENCE AS A NOTARY

Active experience as a notary public shall be established by the applicant pursuant to the rules in this Section by presenting any combination of the following evidence:

- (1) journal entries;
- (2) employer affidavits; or
- (3) an alternative method as set out in the rules in this Section.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0708 Eff. June 1, 2023;

Amended Eff. July 1, 2024.

18 NCAC 07E .0202 JOURNAL AS EVIDENCE OF ACTIVE EXPERIENCE

An instructor applicant may present evidence of active experience as a notary public by submitting:

- (1) a complete copy of a journal for the year immediately preceding the date on which the application is submitted; and
- (2) an affidavit under oath that the entries in the journal submitted are accurate.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0204 MINIMUM CONTENTS OF NOTARY JOURNAL SUBMITTED AS EVIDENCE OF EXPERIENCE

A journal of notarial acts submitted as evidence of active experience as a notary public shall comply with 18 NCAC 07I.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0709 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07E .0205 EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE

An employer affidavit submitted as evidence of active experience as a notary public shall be submitted on the form specified in 18 NCAC 07B .0416.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07E .0206 EMPLOYER AFFIDAVIT REGARDING NOTARIAL ACTS FOR EMPLOYER

An employer affidavit submitted pursuant to Rule .0205 of this Section:

- (1) shall refer to notarial acts performed for the employer; and
- (2) may refer to other notarial acts of the instructor applicant of which the employer affiant is personally aware.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07E .0207 EMPLOYER AFFIDAVIT MAY INCLUDE RECOMMENDATION

An employer submitting an affidavit pursuant to Rule .0205 of this Section may include as an attachment a recommendation from the employer made pursuant to Rule .0112 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. March 1, 2025.

18 NCAC 07E .0209 SUBMITTAL OF EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE

An instructor applicant who relies upon an employer affidavit pursuant to Rule .0205 of this Section shall either submit it to the Department or have the employer affiant directly submit it to the Department.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0710 Eff. June 1, 2023; Amended Eff. March 1, 2025.

18 NCAC 07E .0212 ALTERNATIVE AFFIDAVITS AS EVIDENCE OF EXPERIENCE

An instructor applicant may submit evidence of active experience as a notary public that is not a journal or employer affidavit if:

- (1) the evidence consists of one or more affidavits from nonfamily members that comply with Rule .0213 of this Section and that together establish that the instructor applicant has active experience as a notary; and
- (2) an affidavit from the instructor applicant that complies with Rule .0214 of this Section.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0711 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07E .0213 AFFIDAVIT OF EXPERIENCE FROM NONFAMILY MEMBER

An instructor applicant who submits alternative evidence of experience pursuant to Rule .0212 of this Section shall submit an affidavit from at least one individual who is not a family member that includes:

- (1) the applicant's commission name;
- (2) the affiant's printed name;
- (3) the affiant's address, telephone number, and email address;
- (4) a brief explanation describing how the affiant knows the applicant;
- (5) each month and year in which the affiant knows that the applicant performed at least one notarial act;
- (6) an explanation of how the affiant knows that at least one notarial act was performed during each of the months listed in response to Item (5) of this Rule;
- (7) the signature of the affiant and the date on which the affiant signed; and
- (8) a jurat certificate.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0214 ALTERNATIVE EVIDENCE AFFIDAVIT FROM INSTRUCTOR APPLICANT

An instructor applicant who presents alternative evidence of active experience as a notary public pursuant to Rule .0212 of this Section shall submit the applicant's own affidavit consisting of:

- (1) the applicant's commission name;
- (2) a declaration of the applicant's active experience as a notary public;
- (3) an explanation for how the applicant knows that at least 1 notarial act was performed in each of the 12 months preceding the application;
- (4) the signature of the applicant and the date on which the applicant signed; and
- (5) a jurat certificate.

Note: To satisfy Item (3) of this Rule, the applicant might refer to a calendar with notes of notarial acts.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0301 INSTRUCTOR COURSE REQUIREMENT

An instructor applicant shall attend the entirety of, and successfully complete, a North Carolina notary instructor course approved by the Department.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0302 NOTARY INSTRUCTOR CERTIFICATION AND RECERTIFICATION EXAM PASSING SCORE

A passing score shall be 90 percent or higher on each of the notary instructor certification and recertification written exams.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0714 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07E .0303 ORAL PRESENTATION REQUIREMENT FOR INSTRUCTOR APPLICANT

As part of the notary instructor course exam, a notary instructor applicant shall make an oral presentation that complies with the rules in this Section by presenting on a notary public curriculum topic selected by the applicant from a list provided by the Department.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0713 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07E .0304 NOTARY INSTRUCTOR ORAL PRESENTATION PASSING SCORE

The Department or its designee shall evaluate the oral presentation portion of the instructor exam on a pass-fail basis using the factors in Rules .0306 through .0312 of this Section.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0306 FACTORS RELATING TO VOICE

An instructor applicant's oral presentation shall be evaluated on voice quality, consisting of projection, diction, pitch, and rate of speech.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0307 FACTORS RELATING TO VERBAL SKILL

An instructor applicant's oral presentation shall be evaluated on verbal skill, consisting of fluency, clarity, and vocabulary appropriate for the audience.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0308 FACTORS RELATING TO PHYSICAL APPEARANCE AND MANNERISMS

An instructor applicant's oral presentation shall be evaluated on professional appearance and mannerisms. For purposes of this Rule, "professional appearance and mannerisms" means:

- (1) attire appropriate to the adult education setting. Note: Professional and office casual attire are examples of appropriate attire; and
- (2) posture, body language, eye contact, and movement that projects a professional demeanor that will engage the students.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0309 FACTORS RELATING TO PROFESSIONAL QUALITIES OF THE INSTRUCTOR

An instructor applicant's oral presentation shall be evaluated on the applicant's professional qualities. For purposes of this Rule, "professional qualities" means the applicant's demonstration of:

- (1) knowledge of the notary course curriculum, the notary manual, Chapter 10B of the General Statutes, and the rules in this Chapter;
- (2) projection of confidence in presenting the materials, admitting areas of uncertainty and willingness to get and provide answers;
- (3) tact and sensitivity that respects individuals while also respecting the time of the other students when responding to questions or issues that arise in the class; and
- (4) enthusiasm for the subject matter and for teaching, so that students are engaged.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0310 FACTORS RELATING TO SELECTION AND USE OF TRAINING AIDS

An instructor applicant's oral presentation shall be evaluated on the applicant's selection and use of technology and training aids, such as the applicable notary manual and approved handouts and instructional videos.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0311 FACTORS RELATING TO SEQUENCE

An instructor applicant's oral presentation shall be evaluated on the applicant's presentation of information in a logical sequence. For purposes of this Rule, "presentation of information in logical sequence" means the applicant:

- (1) follows in order the curriculum and lesson plan provided by the Department;
- (2) transitions without effort between topics; and
- (3) returns to the initial sequence after appropriately addressing the student's issue if a student raises an issue out of order.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0312 FACTORS RELATING TO EMPHASIS, EXAMPLES, AND SUMMARIZATION

An instructor applicant's oral presentation shall be evaluated on the applicant's:

- (1) emphasis on key points;
- (2) use of examples relevant to the topic of the presentation; and
- (3) summarization of topics.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0401 RETAKING WRITTEN CERTIFICATION OR RECERTIFICATION EXAM

An instructor applicant who fails the written certification or recertification exam may schedule one additional written exam within one month of the date of the failed exam by:

- (1) making a written request to the Department addressed to the Director; and
- (2) submitting the request within one week of the date of the failed written exam.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0402 CONSEQUENCE OF FAILING TO PASS WRITTEN INSTRUCTOR EXAM

An instructor applicant who fails to pass the written instructor exam within one month of the date on which the written exam is

first taken and wishes to become a certified instructor shall comply again with Rule .0105 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. March 1, 2025.

18 NCAC 07E .0403 SCHEDULING ADDITIONAL ORAL PRESENTATION UPON FAILURE

An instructor applicant who fails to pass the oral presentation may schedule one additional oral presentation by:

- (1) making a written scheduling request to the Department addressed to the Director;
- (2) submitting the request within one week of the date of the failed oral presentation; and
- (3) making the second oral presentation within one month of the date on which the first oral presentation was made.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0404 REPEAT ORAL PRESENTATION

An instructor applicant who schedules an additional oral presentation pursuant to Rule .0403 of this Section shall make a presentation on a topic selected by the Department from the notary instructor curriculum.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0405 EVALUATION OF REPEAT ORAL PRESENTATION

An instructor applicant who makes an additional oral presentation pursuant to Rule .0404 of this Section shall be evaluated pursuant to the factors set out in Section .0300 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0406 CONSEQUENCE OF FAILING TO PASS SECOND ORAL PRESENTATION

An instructor applicant who fails to pass the second oral presentation within the time set in Rule .0403 of this Section and who wishes to become a certified instructor shall comply again with Rule .0105 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0407 CONSEQUENCES OF FAILING TO RECERTIFY

An instructor applicant who does not comply with the requirements for instructor recertification before expiration of the existing certification shall:

- (1) notify the institutions at which the instructor taught prior to the expiration; and
- (2) not teach a notary course before becoming certified as a notary instructor again.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0601 MINIMUM INSTRUCTIONAL DUTIES OF CERTIFIED NOTARY INSTRUCTORS

(a) A certified notary instructor shall verify the identity of each student in a notary course during the first instructional period by:

- (1) requiring satisfactory evidence of identity as defined in G.S. 10B-3(22)a; or
(2) having personal knowledge of the student as defined in G.S. 10B-3(17).

(b) A certified notary instructor shall verify the identity of each student in a traditional notary course again prior to signing the application of a traditional notary applicant.

(c) A certified instructor shall comply with the eligible institution's requirements regarding audits of courses, provided that the instructor shall not permit a student who is auditing to:

- (1) see or take the notary course exam; or
(2) remain in the classroom during the notary course exam.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0716 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07E .0602 ADHERENCE TO CURRICULUM

A certified notary instructor shall follow the Department curriculum for notary courses unless the Department grants a written variance to the instructor pursuant to the rules in Section .0800 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0603 PROCTORING EXAM

When administering the notary course exam, a certified notary instructor shall:

- (1) comply with the requirements of the institution regarding proctoring exams;
(2) if the institution does not have requirements regarding exam proctoring, take steps to prevent cheating on the exam; and
(3) take other measures to prevent cheating that the instructor deems appropriate.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0604 SUBMISSION OF GRADES TO DEPARTMENT

Certified notary instructors shall:

- (1) grade notary course exams administered on paper;

- (2) review grades for notary course exams administered electronically on the Department's website; and
(3) electronically submit accurate student exam grades to the Department within two business days after the exams have been administered.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0605 REPORTING SUSPECTED CHEATING

A certified notary instructor shall:

- (1) comply with the institution's reporting requirements regarding suspected cheating; and
(2) report to the Department within two business days if the instructor has reason to believe that there has been cheating by any student on a notary course exam, and include:
(a) the name and, if available, address and contact information, for any student suspected of cheating;
(b) a narrative description of the instructor's reasons for believing cheating may have occurred;
(c) whether, when, and to whom the instructor reported the possible cheating at the institution; and
(d) any other information such as additional supporting evidence that the instructor believes may aid the Department in investigating the report.

Note: For purposes of this Rule, "additional supporting evidence" includes evidence such as videos, student admissions, and witness reports.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .0701 RESPONSE TO COMPLAINTS

If the Department receives information or a complaint regarding a certified notary instructor's qualifications as an instructor or notary public, or performance as an instructor, the instructor shall, as directed by the Department, perform any combination of the following:

- (1) submit to an interview;
(2) submit requested information; or
(3) submit audio and visual documentation such as a video of actual instruction to the extent available.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07B .0716 Eff. June 1, 2023; Amended Eff. July 1, 2024.

18 NCAC 07E .0702 INSTRUCTOR CONDUCT

During instruction and administration of the duties of a certified notary instructor, an instructor shall demonstrate a professional demeanor.

For purposes of this Rule, "professional demeanor" means exhibiting behaviors consistent with the factors on which an instructor applicant's oral presentation is evaluated pursuant to Rules .0306 through .0312 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0801 REQUEST FOR VARIANCE FROM APPROVED INSTRUCTIONAL AIDS

Certified notary instructors may submit a written request addressed to the Director requesting that the Department approve a variance allowing use of instructional aids in addition to or differing from those established by the Department.

History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0802 VARIANCE REQUEST - EXEMPLAR REQUIRED

A certified notary instructor who submits a request for variance pursuant to this Section shall include a complete copy of the proposed instructional aid in its original size and colors.

History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0803 VARIANCE REQUEST - EXPLANATION OF VALUE

A certified notary instructor who submits a variance request shall explain to the Department how the revised or new aid:

- (1) will be used by the instructor; and
- (2) will assist notary course students in understanding the role and responsibilities of a notary public or an electronic notary public.

History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0804 VARIANCE REQUEST – APPROVAL CRITERIA

The Department shall approve or deny a variance request using the following criteria:

- (1) conformity with Chapter 10B of the General Statutes and the rules in this Chapter;
- (2) the value added to the curriculum;
- (3) the impact of the change on the length of the course; and
- (4) the quality of visual or audio elements.

History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;

Eff. July 1, 2024.

18 NCAC 07E .0901 PREREQUISITE FOR INSTRUCTOR APPLICATION SIGNATURE

A certified notary instructor shall sign a student's notary application only after the student has successfully completed the course.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0902 INSTRUCTOR VERIFICATION OF STUDENT NAME

A certified notary instructor shall not sign a student's notary application if the name on the satisfactory evidence presented does not match the student's name for use on a notary commission.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0903 RETESTING STUDENTS WHO FAIL NOTARY COURSE EXAM

The institution where a notary course is taught shall determine whether a certified notary instructor may administer a retest to a student who fails a notary course exam.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .0904 NOTICE TO DEPARTMENT OF RETESTING

If a certified notary instructor retests a student who fails a notary course exam, the instructor shall:

- (1) retest the student within 30 days of the date of the course and failed exam; and
- (2) submit the results of the retest to the Department within two business days of the date on which the student retook the exam.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07E .1001 STUDENT EVALUATIONS OF INSTRUCTORS

A certified notary instructor shall:

- (1) in each year of certification require that students in at least one of the instructor's notary courses complete the Department's student evaluation of notary instructor form specified in 18 NCAC 07B .0417, unless the instructor's employer institution obtains student evaluations during the same period; and
- (2) submit to the Department copies of all student evaluation forms completed pursuant to Item (1) of this Rule within 45 days of receipt of the completed forms. Note: Where the employer institution obtains student evaluations more frequently than once per certification year,

evaluations for a single class in the certification year satisfy the requirements of this Item.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0717 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07E .1002 DEPARTMENTAL USE OF STUDENT EVALUATIONS

In order to determine whether a certified notary instructor shall receive coaching, counseling, or be subject to action pursuant to G.S. 10B-60, the Department shall review student evaluations of the instructor for consistency with the factors on which an instructor applicant's oral presentation is evaluated pursuant to Rules .0306 through .0312 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .1101 INELIGIBILITY FOR RECERTIFICATION AS NOTARY INSTRUCTOR

A certified notary instructor shall not be eligible for recertification as a notary instructor if the instructor:

- (1) no longer qualifies for initial commissioning as a notary public;
- (2) has not taught at least two notary courses in each of the two immediately preceding instructor certification years; or
- (3) has failed to comply with other requirements imposed upon a notary or notary public instructor pursuant to G.S. 10B-14 or the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0718 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07E .1102 NOTARY PUBLIC INSTRUCTOR RECERTIFICATION REQUIREMENTS

An applicant for recertification as a notary instructor shall:

- (1) complete the Department's notary instructor recertification form specified in 18 NCAC 07B .0418 and submit it to the Department prior to lapse of certification;
- (2) successfully complete the notary instructor recertification course; and
- (3) except as otherwise provided by G.S. 10B-14, pay the required fee.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0719 Eff. June 1, 2023;
Amended Eff. March 1, 2025.*

18 NCAC 07E .1103 NOTARY INSTRUCTOR CERTIFICATION EQUIVALENCE

- (a) Successful completion of the notary instructor course shall satisfy the requirements for successful completion of the notary recommissioning exam and electronic notary course and exam.
- (b) Paragraph (a) of this Rule shall apply only to a notary who:
- (1) is a certified notary instructor when applying for recommissioning as a notary or reregistration as an electronic notary; and
 - (2) is a certified notary instructor at the time of taking the recommissioning oath.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0719 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07E .1104 NOTARY INSTRUCTOR RECERTIFICATION COURSE ORAL PRESENTATION

The notary instructor recertification course shall include an oral presentation in addition to the written exam for:

- (1) a certified notary instructor's first recertification;
- (2) an instructor who has taught no more than two notary courses in each of the two immediately preceding certification years;
- (3) an instructor whose student grades have on average been less than 85 percent;
- (4) an instructor whose student evaluations for a single course have had a majority of ratings of less than "Good" on:
 - (a) any one category of the evaluation form; or
 - (b) any combination of the evaluation form categories; or
- (5) an instructor subject to Rule .1105 of this Section.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .1105 NOTARY INSTRUCTOR WITH LAPSE IN CERTIFICATION

- (a) A certified notary instructor who has a lapse between certification terms shall comply with the requirements for initial certification as a notary instructor.
- (b) Notwithstanding Paragraph (a) of this Rule, if the lapse is for less than six months and the instructor otherwise qualifies, the instructor:
- (1) may take the recertification course instead of the initial certification course; and

- (2) shall make an oral presentation during the course. *Eff. July 1, 2024.*

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .1202 APPLICATION DENIAL – FAILURE TO NOTIFY DEPARTMENT OF CHANGES

The Department shall deny an application for notary instructor certification or recertification if the notary public or instructor has failed to notify the Department of changes as required by Chapter 10B of the General Statutes or the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .1203 APPLICATION DENIAL – TERMINATION FOR CAUSE

The Department shall deny an application for notary instructor recertification if the certified notary instructor has been terminated by an eligible institution for cause.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

Eff. July 1, 2024.

18 NCAC 07E .1204 APPLICATION DENIAL – FAILURE TO SUBMIT EXAM GRADES

The Department shall deny the application for recertification of a certified notary instructor if the instructor applicant has failed to submit student exam grades in accordance with Rule .0604 of this Subchapter more than once in a certification year.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

18 NCAC 07E .1205 APPLICATION DENIAL – DISCIPLINARY ACTION

The Department shall deny an application for instructor certification or recertification if the notary public has been the subject of a disciplinary action, other than a warning or denial, that is related to performance as a notary public, an electronic notary public, or a notary instructor.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. July 1, 2024.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission February 28, 2024 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
Jay R. Hemphill
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Barbara A. Jackson (1st Vice-Chair)
Randy Overton (2nd Vice-Chair)
Wayne R. Boyles, III
Jake Parker
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

RULES REVIEW COMMISSION MEETING DATES

April 30, 2024	June 26, 2024
May 29, 2024	July 31, 2024

**RULES REVIEW COMMISSION MEETING
MINUTES**

February 28, 2024

The Rules Review Commission met on Wednesday, February 28, 2024, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Wayne R. Boyles III, Jeanette Doran, Jeff Hyde, Bill Nelson, Randy Overton, and Jake Parker were present in the Commission Room. Commissioners Barbara Jackson, Brandon Leebrick, and Paul Powell were present via WebEx.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Bill Peaslee, and Travis Wiggs were present in the room. Commission Counsel Brian Liebman was present via Webex.

The meeting was called to order at 10:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

The Chair notified the Commissioners that the following item on the agenda would be taken up out of order at the end of the agenda: Permanent rules from the Office of State Budget and Management.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the January 31, 2024, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

The Chair asked for any discussion, comments, or corrections concerning the minutes of the February 22, 2023, special meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Criminal Justice Education and Training Standards Commission

12 NCAC 09F .0103, .0104, and .0105 – The Commission objected to these Rules at the February special meeting. No action was required by the Commission.

Alarm Systems Licensing Board

Upon the call of the Chair, 14B NCAC 17 .0502 was approved contingent upon a technical change to read “Credit shall be given only for classes that have been preapproved by the ~~Board~~ Board using the criteria set forth in Rule .0503.” by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

The revised rule was received following the meeting.

Jeff Gray, the rulemaking coordinator with the agency, addressed the Commission.

Board of Examiners in Optometry

21 NCAC 42D .0102 - At the January 2024 meeting, the Commission found that the revised rule satisfied the RRC’s objection at the November 2023 meeting; however, it also determined that the revised rule was a substantial change and will need to be published and reviewed pursuant to G.S. 150B-21.2(g). This Rule will remain on the agenda until it is published. No action was required by the Commission.

Building Code Council

Upon the call of the Chair, the 2023 NC Electrical Code (230613 Item B-3) was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)

Office of State Budget and Management

Upon the call of the Chair, 09 NCAC 03M .0101, .0102, .0205, .0401, .0601, .0703, .0801, and .0802 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

09 NCAC 03M .0202 - Upon the call of the Chair, the Commission voted to adopt staff’s recommendation to object to the rule incorporated in the staff opinion for lack of statutory authority, clarity or ambiguity, necessity, and failure to comply with the APA by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State

Upon the call of the Chair, 18 NCAC 07B .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0407, .0408, .0409, .0410, .0411, .0412, .0413, .0414, 07B .0415, .0416, .0417, .0418, .0501, .0502, .0503, .0504, .0505, .0506, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0701, .0702, .0703, .0704, .0705, .0706, .0707; 07C .0101, .0102, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0301, .0303, .0304, .0305, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0409, .0410, .0411, .0502, .0504, .0505, .0506, .0508, .0509, .0510, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0701, .0702, .0703, .0704; 07D .0101, .0102, .0103, .0104, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308; 07E .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0111, .0112, .0113, .0201, .0202, .0204, .0205, .0206, .0207; 07E .0209, .0212, .0213, .0214, .0301, .0302, .0303, .0304, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0601, .0602, .0603, .0604, .0605, .0701, .0702, .0801, .0802, .0803, .0804, .0901, .0902, .0903, .0904, .1001, .1002, .1101, .1102, .1103, .1104, .1105, .1202, .1203, .1204 and .1205 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

18 NCAC 07C .0302 and .0507 were withdrawn at the request of the agency. No action was required by the Commission.

Board of Examiners for Engineers and Surveyors

Upon the call of the Chair, the Commission voted to extend the period of review for 21 NCAC 56 .0502 and .0701 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the Commission voted to extend the period of review for the 2024 North Carolina Energy Conservation Code, 2024 North Carolina Fuel Gas Code, and 2024 North Carolina Mechanical Code by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Existing Rule Review

Oil and Gas Commission

Upon the call of the Chair, the report for 15A NCAC 05C was approved by the RRC by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

COMMISSION BUSINESS

The Commission voted to approve the Marine Fisheries Commission's and the Wildlife Resources Commission's request for a waiver of the 210-day requirement for temporary rules pursuant to G.S. 150B-21.1(a2) by roll-call vote, ayes 5, noes 4 as follows: Voting in the affirmative: Wayne R. Boyles III, Barbara Jackson, Brandon Leebrick, Bill Nelson, and Paul Powell – 5. Voting in the negative: Jeff Hyde, Jeanette Doran, Randy Overton, and Jake Parker – 4. Each agency is to receive a 60-day extension, running concurrently, from the expiration of the 210-day period on May 7, 2024 to July 6, 2024.

Christine Ryan, with the Department of Justice and representing the Marine Fisheries Commission, addressed the Commission.

Carrie Ruhlman, the rulemaking coordinator for the Wildlife Resources Commission, addressed the agency.

At 11:48 a.m., upon a motion by Chair Doran and a second by Commissioner Jackson, the Commission voted to call the public meeting of the Rules Review Commission into recess and enter into a closed session pursuant to G.S. 143-318.11(a)(1) to review and approve the general account of the January 31, 2024 closed session which may be withheld from public inspection pursuant to G.S. 143-318.10(e) and to consult with counsel regarding CRC v. RRC, EMC v. RRC, and other potential litigation pursuant to G.S. 143.11(a)(3), by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commissioners Barbara Jackson and Paul Powell did not return to the regular meeting following the closed session.

At 12:07 p.m., upon a motion by the Chair and a second by Commissioner Overton, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, and Jake Parker – 6. Voting in the negative: None.

The meeting was adjourned at 12:07 p.m.

The next regularly scheduled meeting of the Commission is Wednesday, March 27, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

RULES REVIEW COMMISSION

February 28, 2024

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Ann White	SOS
Emily Wiley	NC DOT
Helen Vance	NC DOT
NATHAN CHILDS	NC DOJ/NC SCC
Carrie Ruhlman	NC WRC
ANNA ELMORE	SOS
Wes Tripp	NC Bd of Examiners, ^{for Engineers & Surveyors}
CHRISTINE KIAN	NC DOT
Shawn Maier	DEC
John Gagnon	OSBM
David Bruce Rittlinger	NC Office of State Fire Marshal
Jeff M. Gray	ASLHS
Julie Ventaloro	OSBM
Elizabeth Pope	NC SWCLB

RULES REVIEW COMMISSION

Rules Review Commission Meeting February 28, 2024
Via WebEx

Name	Agency
Dennis Seavers	Barber Board
Brian Liebman	OAH
Ozie Stallworth	SOSNC
Dana McGhee	OAH
Catherine Blum	DEQ
Scarlett Hargis	Office of the Governor
Ashley Snyder	OAH
Gina M. Von Oehsen -Cleary	DOJ
Cliff Isaac	NCHBA
Angela Willis	DEQ
Lindsay Gomes	unc.edu
Tina DuPree	SOSNC
Alisha Benjamin	DOI
Beth Williams	DOI
Anne Coan	NCFB
Denise Mazza	SHR
Alisha Benjamin	DOI
Jennifer Everett	DEQ
Karen Holder	DOI
Serena Jones	DOJ
David Rittlinger	BCC
James Chapman	DEQ
Sarah Zambon	DOJ
James Chapman	DEQ
Jason Walsh	DEQ
Brandi Salmon	DEQ
Sarah Bales	brubakernc.com
Misty Piekaar	DAAS
Jesse Bissette	DEQ
Michael Loeffler	DEQ
Taylor Corpening	DHHS
Kenneth Taylor	DEQ
Hayworth, Anna	AGR
Lauren Vollmer	bcbnsnc.com
Mary Lucasse	DOJ
Cora Houston	NCBEL
Lonnie Christopher	NCCOB
Mike Hejduk	DOI
Carrie Pickett	DEQ
Niehaus, Virginia	DHHS
Johnny Loper	Optometry

RULES REVIEW COMMISSION

Christian Waters	WRC
Ian Clark	DHHS
Sharon Martin	DES

LIST OF APPROVED PERMANENT RULES
February 28, 2024 Meeting

STATE BUDGET AND MANAGEMENT, OFFICE OF

<u>Purpose</u>	09 NCAC 03M .0101
<u>Definitions</u>	09 NCAC 03M .0102
<u>Allowable Uses of Grants</u>	09 NCAC 03M .0201
<u>Minimum Reporting Requirements for Recipients and Subreci...</u>	09 NCAC 03M .0205
<u>Agency Responsibilities</u>	09 NCAC 03M .0401
<u>Office of State Budget and Management Responsibilities</u>	09 NCAC 03M .0601
<u>Required Contract Provisions</u>	09 NCAC 03M .0703
<u>Noncompliance with Rules</u>	09 NCAC 03M .0801
<u>Recovery of State Funds</u>	09 NCAC 03M .0802

ALARM SYSTEMS LICENSING BOARD

<u>Required Continuing Education Hours</u>	14B NCAC 17 .0502
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SECRETARY OF STATE, DEPARTMENT OF THE

<u>Scope</u>	18 NCAC 07B .0101
<u>Definitions</u>	18 NCAC 07B .0102
<u>Operating Hours and General Contact Information</u>	18 NCAC 07B .0103
<u>ADA Accommodations</u>	18 NCAC 07B .0104
<u>Obtaining Requested Information</u>	18 NCAC 07B .0105
<u>Waiver</u>	18 NCAC 07B .0106
<u>Contents of Waiver Request</u>	18 NCAC 07B .0107
<u>Factors Used in Considering Waiver Requests</u>	18 NCAC 07B .0108
<u>Computation of Time Periods</u>	18 NCAC 07B .0109
<u>Request to Department for Confidential Information</u>	18 NCAC 07B .0110
<u>Initial Application for Notary Commission Form</u>	18 NCAC 07B .0407
<u>Affidavit of Moral Character</u>	18 NCAC 07B .0408
<u>Application for Recommissioning as Notary Public</u>	18 NCAC 07B .0409
<u>Notice of Changes Required by 18 NCAC 07D .0301</u>	18 NCAC 07B .0410
<u>Notice of Changes Regarding Criminal History Record</u>	18 NCAC 07B .0411
<u>Notice of Changes Regarding Professional Licenses, Notary...</u>	18 NCAC 07B .0412
<u>Notice of Changes Regarding Findings or Admissions of Dec...</u>	18 NCAC 07B .0413
<u>Application for Certification as Notary Instructor</u>	18 NCAC 07B .0414
<u>Recommendation of Notary Instructor Applicant</u>	18 NCAC 07B .0415
<u>Employer Affidavit Regarding Instructor Applicant Active ...</u>	18 NCAC 07B .0416
<u>Student Evaluation of Notary Instructor Form</u>	18 NCAC 07B .0417
<u>Application for Recertification as Notary Instructor</u>	18 NCAC 07B .0418
<u>Crimes</u>	18 NCAC 07B .0501
<u>Additional Requirements for an Individual Listing Convict...</u>	18 NCAC 07B .0502
<u>Explanation of Convictions</u>	18 NCAC 07B .0503

<u>Additional Documentation for Convictions</u>	18 NCAC 07B .0504
<u>Requirements for Individual with Pending Criminal Charges</u>	18 NCAC 07B .0505
<u>Notice to Department of Disposition of Pending Charge</u>	18 NCAC 07B .0506
<u>Factors for Disciplinary Actions</u>	18 NCAC 07B .0601
<u>Denials</u>	18 NCAC 07B .0602
<u>Levels of Enforcement</u>	18 NCAC 07B .0603
<u>Letter of Caution</u>	18 NCAC 07B .0604
<u>Warning</u>	18 NCAC 07B .0605
<u>Suspension</u>	18 NCAC 07B .0606
<u>Restriction</u>	18 NCAC 07B .0607
<u>Mandatory Revocation</u>	18 NCAC 07B .0608
<u>General</u>	18 NCAC 07B .0701
<u>Requirements Regarding Professional Licenses and Notarial...</u>	18 NCAC 07B .0702
<u>Disciplinary Action Involving a Professional License or N...</u>	18 NCAC 07B .0703
<u>Public Offices</u>	18 NCAC 07B .0704
<u>Denials of Public Offices</u>	18 NCAC 07B .0705
<u>Resignations from Public Offices</u>	18 NCAC 07B .0706
<u>Disciplinary Action Involving a Public Office</u>	18 NCAC 07B .0707
<u>Scope</u>	18 NCAC 07C .0101
<u>Definitions Related to Application and Recommissioning Pr...</u>	18 NCAC 07C .0102
<u>Initial Application</u>	18 NCAC 07C .0201
<u>Timing</u>	18 NCAC 07C .0202
<u>Requirements for Applicants Residing Outside North Carolina</u>	18 NCAC 07C .0203
<u>Additional Requirements for Applicants Listing Convictions</u>	18 NCAC 07C .0204
<u>Requirements for Applicant with Pending Criminal Charges</u>	18 NCAC 07C .0205
<u>Requirements for Applicants Regarding Professional Licens...</u>	18 NCAC 07C .0206
<u>Findings or Admissions of Liability Based on the Applican...</u>	18 NCAC 07C .0207
<u>Findings that the Applicant Engaged in Official Misconduct</u>	18 NCAC 07C .0208
<u>Findings of Unauthorized Practice of Law</u>	18 NCAC 07C .0209
<u>Finding of False or Misleading Advertising</u>	18 NCAC 07C .0210
<u>Courses Taught by Certified Notary Instructors</u>	18 NCAC 07C .0301
<u>Presentation of Satisfactory Evidence of Identity in Conn...</u>	18 NCAC 07C .0303
<u>Satisfactory Evidence Presented to Instructor</u>	18 NCAC 07C .0304
<u>Retesting</u>	18 NCAC 07C .0305
<u>Appointment</u>	18 NCAC 07C .0401
<u>Issuance of Certificates</u>	18 NCAC 07C .0402
<u>Notice to Appointee</u>	18 NCAC 07C .0403
<u>Commission Certificate</u>	18 NCAC 07C .0404
<u>Satisfactory Evidence of Identity</u>	18 NCAC 07C .0405
<u>Register of Deeds</u>	18 NCAC 07C .0406
<u>Performing Traditional Notarial Acts</u>	18 NCAC 07C .0407
<u>Term of Commission</u>	18 NCAC 07C .0409
<u>Term of Reappointment Commission</u>	18 NCAC 07C .0410
<u>Notarial Acts Prohibited During Gaps Between Commission T...</u>	18 NCAC 07C .0411
<u>Late Application</u>	18 NCAC 07C .0502
<u>Application After Recommissioning Denial Based on Failing...</u>	18 NCAC 07C .0504
<u>Application for Recommissioning within 12 months of Commi...</u>	18 NCAC 07C .0505

<u>Recommissioning Educational Requirement</u>	18 NCAC 07C .0506
<u>Cancellation of Commission</u>	18 NCAC 07C .0508
<u>Rescind Cancellation of Certificate of Appointment</u>	18 NCAC 07C .0509
<u>Confirmation of Notary Status</u>	18 NCAC 07C .0510
<u>Application Steps for Recommissioning</u>	18 NCAC 07C .0601
<u>Method of Taking Recommissioning Exam</u>	18 NCAC 07C .0602
<u>Course as Alternative to Recommissioning Exam</u>	18 NCAC 07C .0603
<u>Exam Length and Passing Score</u>	18 NCAC 07C .0604
<u>Retaking Recommissioning Exam after Failure</u>	18 NCAC 07C .0605
<u>Failure to Pass Exam within 30 Days</u>	18 NCAC 07C .0606
<u>Individual Who Fails to Seek Recommissioning within One Year</u>	18 NCAC 07C .0607
<u>Attorney Application for Initial Appointment</u>	18 NCAC 07C .0701
<u>Recommissioning of Attorney Notaries</u>	18 NCAC 07C .0702
<u>Attorneys who Fail to Take Notarial Oath Timely</u>	18 NCAC 07C .0703
<u>Attorneys Seeking Registration or Reregistration as Elect...</u>	18 NCAC 07C .0704
<u>Scope</u>	18 NCAC 07D .0101
<u>Response to Department Requests</u>	18 NCAC 07D .0102
<u>Extension Request to Department</u>	18 NCAC 07D .0103
<u>Department Response to Extension Request</u>	18 NCAC 07D .0104
<u>Obligation to Give Notice of Changes in Primary Information</u>	18 NCAC 07D .0301
<u>Notice to Department of Pending Criminal Charges</u>	18 NCAC 07D .0302
<u>Notice to Department of Criminal Charge Disposition</u>	18 NCAC 07D .0303
<u>Notice to Department of Findings or Admissions of Deceit</u>	18 NCAC 07D .0304
<u>Notice to Department of Changes to Professional License, ...</u>	18 NCAC 07D .0305
<u>Notice to Department of Official Misconduct</u>	18 NCAC 07D .0306
<u>Notice to Department of False or Misleading Advertising</u>	18 NCAC 07D .0307
<u>Notice to Department Regarding Unauthorized Practice of Law</u>	18 NCAC 07D .0308
<u>Instructor Certification - Scope and Definitions</u>	18 NCAC 07E .0101
<u>Conditions for Becoming Notary Instructor</u>	18 NCAC 07E .0102
<u>Nomination by Eligible Institution</u>	18 NCAC 07E .0103
<u>Exemption and Failure to Pay</u>	18 NCAC 07E .0104
<u>General Requirements</u>	18 NCAC 07E .0105
<u>Mandatory Department Denial of Instructor Application</u>	18 NCAC 07E .0106
<u>Department Rejections of Applications</u>	18 NCAC 07E .0107
<u>Verification that Instructor Applicant Continues to Meet ...</u>	18 NCAC 07E .0108
<u>Change in Instructor's Eligible Institution</u>	18 NCAC 07E .0109
<u>Other Verifications</u>	18 NCAC 07E .0111
<u>Recommendations</u>	18 NCAC 07E .0112
<u>Instructors as Registered Electronic Notaries</u>	18 NCAC 07E .0113
<u>Evidence of Active Experience as a Notary</u>	18 NCAC 07E .0201
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